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C.O. 3638 of 2022

**Goutam Kumar Saha
Vs
Smt. Lakshmi Bala Das**

Mr. Debdutta Basu,

... For the petitioner.

A direction to secure expeditious disposal of Misc Case No. 1328 of 2008 arising out of Title Execution Case No. 179 of 2008 (T.S. No. 24 of 2003) pending before the learned Civil Judge (Junior Division), 3rd Court, Alipore, is the ultimate relief sought for in this case.

As per submission disclosed by the petitioner, the decision of the Trial Court granting decree to the suit remained undisturbed upto second appeal. There has been an application already filed under Order 21 Rule 97 of the CPC praying for police assistance to execute the decree.

In connection with application under Order 21 Rule 97 of the CPC, cross-examination of bailiff could not be completed due to non availability of the bailiff, resulting in not only to protraction of Misc case, but also causing delay to execute the decree.

No other point is raised requiring address by this Court.

In view of the nature of the order proposed to be made in the case, no prior notice is considered to be necessary.

Service upon the opposite party is thus dispensed with.

Accordingly, learned Civil Judge (Junior Division), 3rd Court, Alipore in Misc Case No. 1328 of 2008 arising out of Title Execution Case No. 179 of 2008 (T.S. No. 24 of 2003) is requested to ensure completion of cross-examination of bailiff's evidence (PW2), subject to the suitability and convenience of the Court below, providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournment, unless it is extremely unavoidable, preferably before the end of February, 2023.

The logical conclusion of the Misc case may be reached thereafter at the earliest.

Petitioner is directed to make communication of this order to the learned court below as well as to the learned advocate appearing in the court below for the opposite party and the opposite party.

With this observation and direction, the revisional application stands disposed of.

Urgent photostat certified copy of the order, if

applied for, be given to the parties on usual undertakings.

(Subhasis Dasgupta, J)