

03 17.03.
Ct 2023
237
rup

C.O. 92 of 2023

**Biswajit Hazra & Ors.
Vs
Monoranjan Hazra & Anr.**

Mr. Sandip Das ... For the petitioners.

Mr. Mukteswar Maity,
Ms. Shika P Choudhury ... For the opposite parties.

The Order No. 34 dated 13.12.2022 passed by the learned Civil Judge (Junior Division), 2nd Court, Diamond Harbour is under challenge in this revisional application filed under Article 227 of the Constitution of India, whereby learned Civil Judge (Junior Division), 2nd Court, Diamond Harbour rejected the application dated 17.03.2021 filed by the judgment-debtor for stay of execution on the ground of pendency of the application under Order 9 Rule 13 of the Civil Procedure Code.

Having heard both sides. It appears to me the application under Order 9 Rule 13 of the Civil Procedure Code is almost ready for hearing as written objection has already been filed by the opposite parties/decreed-holder.

In this circumstances, I find that necessary request should be made to the Civil Judge (Junior Division), 2nd Court Diamond Harbour to dispose of the application under Order 9 Rule 13 of the Civil

Procedure Code on the next date fixed on its merits after giving opportunity of hearing to both the parties to the application under Order 9 Rule 13 of the Civil Procedure Code without giving any unnecessary adjournment to any of the parties.

Learned Judge is also requested to dispose of the application preferably on the date already fixed for the purpose. Till then the Title Execution Case No. 26 of 2019 is stayed.

The Order No. 34 dated 13.12.2022 stands set aside.

Learned advocate appearing on behalf of the petitioner is at liberty to communicate this order to the learned Civil Judge (Junior Division), 2nd Court, Diamond Harbour.

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.

(Bibhas Ranjan De, J.)