

43
22.03.2023
Ct. No.237
D.Hira

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 139 of 2023

Kalipada Sahoo
Vs.
Sudhangsu Sahoo

Mr. Mrinal Kanti Ghosh.
... For the petitioner/decree holder

An order dated 11th November, 2022 passed by the learned District Judge, Paschim Medinipur in Misc. Appeal no.172 of 2022 is under challenge.

Impugned order shows that appeal was admitted and the appellant was directed to issue notice upon the defendant/judgment debtor and LCR was called for, fixing 19th January, 2023 as returnable date.

Mr. Ghosh, learned Advocate appearing on behalf of the petitioner/decree holder has submitted that petitioner/decree holder obtained decree and judgment debtor preferred an appeal which was also dismissed and in addition, judgment debtor also filed an application under Section 47 of the Code of Civil Procedure which was also dismissed. Thereafter, petitioner/decree holder filed the petition for police help before the Executing Court and that was allowed. Against that order, the judgment debtor/defendant preferred the appeal being Misc. Appeal No. 172 of 2022.

Learned Advocate on behalf of the petitioner/decreed holder has submitted that the appeal is not maintainable.

Considering all facts and circumstances, I find that notice upon the opposite party is not required to be served and thus dispensed with.

Learned District Judge, Paschim Medinipur is requested to dispose of the appeal as expeditiously as possible.

The petitioner/decreed holder is at liberty to file an application for maintainability of the appeal.

The petitioner/decreed holder is also at liberty to inform the Trial Court.

With the aforesaid observation, the instant appeal being CO 139 of 2023 stands disposed of.

Let a copy of this order be communicated to the Court of learned District Judge, Paschim Medinipur.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)