

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 274 of 2023

Bideshi Tanti
Vs.
Gobinda Mondal & Ors.

Mr. Swarup Banerjee
Mr. Arindom Chatterjee
... For the petitioner

The order dated 17th December, 2022 passed in connection with Title Execution Case No.42 of 2019 is under challenge by this revisional application.

By this revisional application, the judgment-debtor/petitioner sought for staying all further proceedings in the aforesaid Title Execution Case No.42 of 2019 pending before the learned Civil Judge (Senior Division), 1st Court, Alipore, South 24-Parganas.

On careful scrutiny of the impugned order dated 17th December, 2022 passed by the learned Civil Judge (Senior Division), 1st Court, Alipore, South 24-Parganas, I find that the learned Judge fixed date for further clarification and order, I do not find any reason assuming threat to the judgment-debtor at this stage while application under Section 47 of the Code of Civil Procedure is pending before the executing Court, i.e., learned Civil Judge (Senior Division), 1st Court, Alipore.

Considering all these facts and circumstances, I do not find any reason to interfere with the order impugned dated 17th December, 2022.

However, I request the learned Civil Judge (Senior Division), 1st Court, Alipore, South 24-Parganas, to dispose of the application under Section 47 of the Code of Civil Procedure before proceeding with the execution of the decree, as early as possible.

Having heard the learned advocate on behalf of the revisionist, liberty is given to file additional affidavit before the learned Civil Judge (Senior Division), 1st Court, Alipore, South 24-Parganas.

With the above observation, the revisional application, being CO 274 of 2023, stands disposed of.

A copy of this order be forwarded to the learned Civil Judge (Senior Division), 1st Court, Alipore, South 24-Parganas, forthwith.

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

(Bibhas Ranjan De, J.)