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**C.O. 279 of 2023**

**Madhabi Mukherjee & Ors.  
Vs  
Pushpa Dubey & Ors**

Mr. Biswajib Ghosh

... For the Petitioners.

Mr. Arindam Paul

... for the O.Ps.

A direction to secure expeditious disposal of EJ. Ex. Case No. 83 of 2009 pending before the learned Judge, 3<sup>rd</sup> Bench, Presidency Small Causes Court, is the ultimate relief sought for in this case.

Learned advocate appearing for the petitioners submits that when apparently there is no stay order granted by the Appellate Court at the moment, the pending execution case should be disposed of expeditiously, making reach the fruits of the decree in the hands of the decree-holder.

Mr. Arindam Paul, learned advocate appearing for the opposite parties submits that a vacating application has already been filed before the First Lower Appellate Court, which is still pending, and in the event of the decree being executed during the pendency of this appeal, the appeal may become infructuous.

No other point is raised requiring address by this Court.

The revisional application stands disposed of

directing the court below to ensure expeditious disposal of the referred pending execution case, subject to the order of Appellate Court, if any granted by the Appellate Court, which said to be pending before this Appellate Court, providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournment, unless it extremely unavoidable.

Petitioners are 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 parties and the opposite parties.

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)**