

ML 378
05.06.2023
Court. No. 19
GB

C.O. 927 of 2023

Kanhaiya Shaw
Vs.
Zubaida Hamid & Anr.

Mr. Uday Sankar Bhattacharyya

...for the Petitioner.

*Mr. Aniruddha Chatterjee,
Mr. Wasim Ahmed,
Md. Kashif*

...for the Opposite Parties.

The matter has been mentioned by the parties and the petitioner prays that in view of the disposal of C.O. No.1192 of 2023, justice would be sub served if this revisional application is also disposed of with a direction upon the learned executing court to first dispose of the Misc. Case No.88 of 2022 before the execution proceeds further.

Hence, the matter is taken up with the consent of the parties, out of turn.

This is an application for expeditious disposal of Misc. Case No.88 of 2022 arising out of Ejectment Execution No.10 of 2016 filed in connection with a decree passed in Ejectment Suit No.39 of 2005.

The petitioner filed the said misc. case under Order 21 Rules 98 to 101 of the Code of Civil Procedure with various prayers.

Without going into the merits of the prayers made by the petitioner and the contentions of the petitioner in the said application, the revisional application is disposed of with a direction upon the learned Civil Judge (Junior

Division), 2nd Court at Alipore to dispose of the Misc. Case No.88 of 2022 in accordance with law, preferably within a month from the next date fixed.

The opposite parties shall file their written objections to Misc. Case No.88 of 2022 within two weeks from date. No adjournments shall be given to any of the parties.

In case Sunil Shaw does not comply with the order passed by this court on June 5, 2023 in C.O. No.1192 of 2023 and the execution proceeds in view of the default clause contained in the order, the question as to whether the petitioner would be entitled to stay of execution of the decree, shall be determined by the learned court if any application is filed by either of the parties, before the learned trial judge.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)