

June 30, 2023
Sl. No.55
Court No.19
s.biswas

CO 1000 of 2023

Rita Dutta
vs.
Abhijit Ghosh

Mr. Shubham Gupta
Mr. Tanmoy Kumar Dey
Ms. Nayonika Chakraborty

... for the petitioner

The petitioner is the decree holder and prays for expeditious disposal of the Misc. Case No.2615 of 2017 arising out of Title Execution Case No.41 of 2017, which is pending before the Learned Judge, 9th Bench, City Civil Court at Calcutta. The petitioner prays for expeditious disposal of the misc. case and the title execution case. It is submitted that the decree was passed more than five years ago and the execution is still pending.

Under such circumstances, this court is of the view that that justice would be subserved if the learned court below is directed to dispose of both the misc. case and the title execution case, expeditiously.

This court has neither gone into merits of the misc. case nor into the merits of the execution case. An order of expeditious disposal of any litigation, enures to the benefit of all the parties. Hence, prior service of this revisional application upon the opposite party would not be necessary. The prayer is innocuous.

As the decree is of 2017, the revisional application is disposed of with a direction upon the learned Judge-in-Charge, 9th Bench, City Civil Court at Calcutta, to hear out the matter and dispose of the misc. case within three months from the next date fixed. If the misc. case is not allowed and the execution case proceeds, then the same shall be disposed of within next three months, without granting any unnecessary adjournments to either of the parties and upon granting adequate opportunity to the opposite party to contest the proceedings.

Petitioner is directed to serve a copy of this revisional application along with the server copy of this order upon the opposite party.

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)