

S/L 33
28.04.2023
Court. No. 12
Sourav

CO 1062 of 2022

**Mansur Ali Mallik & Ors.
Vs.
Masiar Bewa & Ors.**

Mr. Sandip Das

...for the petitioners.

*Mr. Subir Banerjee
Mr. A. Sinha Roy
Mr. Gaurab Das*

...for the opposite party nos. 1 to 10.

1. Both the petitioners and the opposite party nos. 1 to 10 are represented by their learned advocates.
2. On perusal of the impugned order no. 44 dated March 3, 2022 as passed by the learned Civil Judge (Junior Division) 1st Court, Diamond Harbour in Title Execution Case No. 19 of 2014, it reveals that the learned Trial Court has been pleased to fix a date for hearing of the execution application since the judgment debtor of the said execution case who are the petitioners before this Court had failed to bring any stay order from the appellate court.
3. In considered view of this Court, there is no illegality or irregularity in the order impugned since the learned Trial Court is duty bound to proceed with Title Execution Case No. 19 of 2014 unless, a stay order is obtained from any upper Court with regard to the progress of Title Execution Case No. 19 of 2014.
4. In view of such, this Court finds no merit in the instant revisional application and, accordingly, the

instant revisional application being **CO 1062 of 2022** is hereby dismissed on contest.

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

(Partha Sarathi Sen, J.)