

Item No. 302
28.06.2023
Court. No. 19
GB

C.O. 1254 of 2023

Sri Somnath Dey
Vs.
Sri Mintu Mondal & Ors.

Mr. Satrajit Sinha Roy

...for the Petitioner.

Liberty is granted to the petitioner to correct the cause title and the prayer. Although this revisional application was filed for a direction upon the learned executing court to proceed with the Title Execution Case No.3 of 2022 along with pending applications by directing the learned Civil Judge (Junior Division), 1st Court at Katwa to dispose of the execution case in a time bound manner, this Court finds that a title appeal is pending.

Thus, the Court deems it fit to allow the petitioner to convert the application to an application for expeditious disposal of the title appeal by making necessary corrections.

Considering that the Title Appeal No.9 of 2022, which is pending before the learned Civil Judge (Senior Division), Katwa is near conclusion and hearing was completed, this Court deems it proper to direct the learned Civil Judge (Senior Division), Katwa to pass necessary orders by pronouncing judgment in respect of the title appeal.

This Court has not gone into the merits of the appeal. An order of expeditious disposal of any litigation enures to the benefit of all the parties and hence prior service of this

revisional application upon the opposite parties is not required. The prayer is innocuous.

Under such circumstances, this Court directs the learned Civil Judge (Senior Division), Katwa to dispose of the title appeal within a period of two months from the next date fixed, without granting unnecessary adjournments to either of the parties.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

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

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

(Shampa Sarkar, J.)