

July 18, 2023
Sl. No.74
Court No.19
s.biswas

CO 1435 of 2023

*Khodeja Bibi (since deceased) represented by her heirs
Syed Juhur Ali and others*

vs.

Mohar Brahmoyee High School and others

Mr. Sujit Bhunia
Mr. Gourab Ghosh

... for the petitioners

The petitioners are the decree holders and seek expeditious disposal of the Title Execution Case No.8 of 2008, which is pending before the learned Civil Judge (Junior Division), 1st Court, Paschim Medinipur. The decree arises out of Title Suit No.109 of 1988. The suit was decreed on August 9, 2007. It is submitted that no appeal is pending from the said judgment and decree. The objection under Section 47 of the Code of Civil Procedure has also been dismissed.

Under such circumstances, this court is of the view that justice would be subserved, if the learned court below is directed to dispose of the said pending application, expeditiously.

This court has not gone into the merits of the submission made herein above or into the merits of the pending 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 parties, would not be necessary. The prayer is innocuous.

The revisional application is disposed of with a direction upon the learned court below to dispose of the execution as preferably within a period of two months from the next date fixed, without granting unnecessary adjournments to either of the parties. The learned court below shall proceed strictly in accordance with law and independently.

Petitioners are directed to serve a copy of this revisional application along with the server copy of this order upon the opposite parties.

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.)