

07.06.2023
Court No. 19
Item No.18
CP

C.O. 1664 of 2023

Sri Krishnendu Sarkar (Gopal) & anr.
Vs.
Sri Narayan Paul & ors.

Mr. Siva Prasad Ghose

....for the petitioners.

The petitioners are the landlords and the decree holders in Ejectment Suit No. 39 of 2014. The suit was decreed on July 25, 2022. The petitioners put the decree into execution vide Ejectment Execution No. 11 of 2022. The said execution case is pending before the learned Civil Judge (Junior Division), Bidhan Nagar.

Aggrieved by the judgment and decree passed in the Ejectment Suit, the opposite parties preferred Title Appeal No. 13 of 2022 which is pending before the learned Additional District Judge, Fast Track 3rd Court at Barrackpore.

The petitioners submit that the opposite parties have been repeatedly praying for adjournments in the Title Appeal and the appeal is not progressing.

This court is of the view that the prayer for expeditious disposal of the appeal is innocuous and

no injustice will be caused to any of the parties if such order is passed.

The revisional application is disposed of with a direction upon the learned court below to expedite the title appeal along with all pending applications, if any, and dispose of the same within a period of four months from the next date fixed, without granting any unnecessary adjournments to either of the parties.

This court has neither gone into the merits of the contentions of the petitioners nor into the merits of the appeal and the suit. The learned lower appellate court shall act and proceed independently and strictly in accordance with law.

Let a copy of the revisional application along with the server copy of this order be served upon all the opposite parties within a week.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)