

June 21, 2023
Sl. No.28
Court No.19
s.biswas

CO 1741 of 2023

Sri Gora Chand Day and another
vs.
Md. Israil

Mr. Ayan Dutta
Mr. Soham Dutta
Mr. Sourjya Roy

... for the petitioners

This revisional application has been filed seeking expeditious disposal of the Execution Case No.07/39()/2020 arising out of A.R.C. Case No.92/2013-FR pending before the learned Additional Rent Controller at Calcutta.

It is submitted by the learned advocate for the petitioners that the execution case should proceed on its own merits as the learned West Bengal Land Reforms and Tenancy Tribunal by an order dated November 19, 2019 had observed that the proceedings before the tribunal would not stand in the way of either party from approaching the learned Rent Controller in accordance with law.

Perused the order-sheet. It appears that the learned Rent Controller was approached for disposal of the execution proceeding and the parties took time to file the order of the learned tribunal.

It also appears that the learned Rent Controller was informed that the execution proceedings could proceed in view of the order of the learned tribunal. The petitioners can approach the learned Rent

Controller for expeditious disposal of the proceedings on the basis of the averments which have been made in this revisional application made by the learned advocate for the petitioners.

If the petitioners are aggrieved by the way the learned Rent Controller is proceeding, justice would be subserved if the petitioners go back to the learned tribunal for necessary orders and clarifications, as the learned tribunal is the appellate authority and a proceeding is already pending from the order which is sought to be executed by the learned tribunal. Moreover, it appears from the records that the learned tribunal had indicated that the parties could proceed in accordance with law before the learned Rent Controller. Thus the learned Tribunal would be the appropriate forum to pass necessary orders.

The revisional application is thus disposed of.

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

(Shampa Sarkar, J.)