

Item No. 22
29.08.2023
Court. No. 19
GB

C.O. 1967 of 2023

Smt. Kusum Kumari @ Kusum Ghosh
Vs.
Smt. Bimala Mukherjee & Anr.

Mr. Soumava Mukherjee

...for the Petitioner.

This Court is not in a position to entertain this revisional application. Directions upon the learned court below to dispose of the Title Execution Case No.18 of 2006, cannot be passed.

It appears from the records that the decree for specific performance of contract was passed sometime in 1968 and the execution was filed by the petitioner sometime in 2006. The proceedings are pending before the learned Civil Judge (Junior Division), 1st Court at Barasat, District-24 Parganas (North).

Without ascertaining the actual state of affairs and whether the records are available or not after such inordinate delay, this Court should refrain from passing mandates on the learned court below.

Accordingly, the revisional application is disposed of.

The petitioner can approach the learned court below for reconstruction of the record or for a decision on the execution, if it is permissible in law.

This order shall not be construed as an observation of this Court on the maintainability of the execution case or on the merits of the claim of the petitioner.

(Shampa Sarkar, J.)