

12.07.2023
Court No.19
Item no.60
CP

C.O. No. 2014 of 2023

Jayanta Shaw @ Jayanta Kumar Shaw

Vs.

Fultoon Roy @ Daya Shankar Ray & ors.

Mr. Sounak Bhattacharya

Mr. Sounak Mandal

...for the Petitioner.

The petitioner, as the decree holder and as the plaintiff no. 3 in the suit, prays for expeditious disposal of Title Execution Case No. 50 of 2014, which is pending before the learned Judge, VIth Bench, City Civil Court at Calcutta along with Misc. Case No. 2226 of 2017. Misc. Case No. 2226 of 2017 has been filed after the application under Section 47 of the Code of Civil Procedure had been rejected. It is submitted that the decree was passed sometime in 2011. The said decree has apparently not been upset by any superior forum, as per Mr. Bhattacharya.

The prayer of the petitioner is innocuous. Neither party stands to lose if a proceeding is disposed of expeditiously. In fact, such expeditious disposal shall enure to the benefit of the parties and, hence, there is no requirement for service of prior notice upon the opposite party.

The court finds the prayer of the petitioner is reasonable. The revisional application is disposed of

with a direction upon learned Judge, VIth Bench, City Civil Court at Calcutta or the learned Presiding Officer in-charge of the said court, to dispose of the pending Misc. Case within a period of two months from the next date fixed, upon granting adequate opportunity to the parties to contest the same. Thereafter, the Title Execution Case be disposed of within the following two months.

This court has not expressed any opinion on the merits of the Misc. Case as also the Execution Case. The learned court shall proceed independently and in accordance with law.

A copy of the revisional application along with a server copy of this order be served upon the opposite party and/or the learned advocates contesting the matter on behalf of the opposite party in the learned court below, within a week.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)