

C.O. 1481 of 2014

In the matter of : Smt. Amita Bairagya & Ors.

As usual none is appearing on behalf of the petitioners.

The matter was earlier adjourned twice.

In view of the order dated 14.6.2023 I am inclined to dispose of the revisional application on merit based on materials available with the record.

In view of the mandate of Hon'ble Supreme Court given in the case of **Robin Thapa vs. Rohit Dora** reported in **AIR 2019 SCC 3225** held that ;

"8. Ordinarily, a litigation is based on adjudication on the merits of the contentions of the parties. Litigation should not be terminated by default, either of the plaintiff or the defendant. The cause of justice does require that as far as possible, adjudication be done on merits."

This revisional application under Article 227 of the Constitution of India challenges the orders dated 03.4.2013 and 11.5.2013 passed by the Civil Judge (Jr. Division), Bishnupur, Bankura in Title Execution Case No. 6 of 2011 along with J. Misc. Case No. 6 of 2013.

The order dated 03.4.2013 challenges the Executability of the decree. The defendant judgement debtor filed an application under Section 47 of the Code of Civil Procedure and prayed for stay of the execution proceeding.

Learned Trial Court granted the prayer passed an order of stay of all further proceeding of execution cases until disposal of Case No. J. Misc. Case 6 of 2013. The order impugned does

not suggest that there has been gross failure of justice or failure on the part of the Court to exercise jurisdiction. However, learned Executing Court being learned Civil Judge, Junior Division, Bishnupur, Bankura is directed to dispose of the application under Section 47 of the Code of Civil Procedure as expeditiously as possible and, if necessary, by fixing consecutive dates, if not it has been disposed of in the meantime.

The revisional application is disposed of along with application, if any.

Interim order of stay, if any, stands vacated.

Copy of the order be sent down to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)