

11.08.2023
Sl. No.107(DL)
srm

C.O. No. 2094 of 2023
Shri Sripati Mirdhya & Ors.
Versus
Shri Ajit Kumar Pramanik

Mr. Soumik Ganguli,
Mr. Sourav Nandy,
Mr. Supriyo Shasmal

...for the Petitioners.

The petitioners are the decree-holders who have prayed for execution of the decree by filing Other Execution Case No.01 of 2022, which is pending before the learned Civil Judge (Junior Division), 1st Court, Contai, Purba Medinipur. The Other Execution Case No.01 of 2022 arises out of Other Suit No.218 of 1998.

The petitioners pray for expeditious disposal of an application under Order XXI Rule 11 of the Code of Civil Procedure along with an application under Section 151 of the Code of Civil Procedure as also the execution case.

Considering the age of the suit and the date of the decree, this Court is of the view that the prayer is reasonable.

An order of expeditious disposal of any litigation enures to the benefit of all the parties and hence prior service of this revisional application upon the opposite party is not required. The prayer is innocuous.

Under such circumstances, the revisional application is disposed of with a direction upon the learned court below to dispose of the applications within a period of three months from the next date fixed, independently and strictly in accordance with law, upon granting adequate opportunity to the respective parties to contest the applications and to file their written objection, if not already filed. Thereafter, the court shall proceed with the hearing of the execution case and dispose of the same within a period of six months from the date of disposal of the applications. Unnecessary adjournments shall not be granted to any of the parties.

This Court has neither gone into the merits of the execution case nor into the merits of applications.

A copy of the revisional application, along with a server copy of this order, be served upon the opposite party in the learned court below within a week.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)