

27.07.2023
Sl. No.140(DL)
srm

C.O. No. 2159 of 2023

Anita Roy

Versus

M/s. ESPI Manufacturing (India) Pvt. Ltd.

Mr. Manoj Kumar Ghosh,
Mr. Debnath Ganguly,
Mr. Aranya Saha,
Ms. Aishwarya Pratihar

...for the Petitioner.

The petitioner is the decree-holder in Title Execution Case No.15 of 1994, which is pending before the learned Civil Judge (Senior Division), 2nd Court at Alipore, South 24-Parganas. Title Suit No.85 of 1990 was decreed in favour of the petitioner.

It is submitted that no appeal therefrom had been filed. It is submitted that an application under Order XXXIX Rule 97 of the Code of Civil Procedure has been filed by a third party.

The petitioner prays for expeditious disposal of the application as also the execution case.

Considering the age of the decree and the age of the execution case, this Court is surprised that the execution has not yet proceeded.

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 entire execution case along with the pending application/applications within a period of four months from the next date fixed, independently and strictly in accordance with law, upon granting adequate opportunity to the respective parties to contest the proceeding and to file their written objection, if not already filed. Unnecessary adjournments shall not be granted to any of the parties.

This Court has neither gone into the merits of the applications nor into the merits of the executability of the decree.

A copy of the revisional application, along with a server copy of this order, be served upon the opposite party 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.)