

August 2, 2023
Sl. No.85
Court No.19
s.biswas

CO 2348 of 2023

Ashis Singhadeb and others
vs.
Shrimati Swapna Gharai and another

Mr. Rabindranath Mahata
Mr. Aritra Shankar Ray

... for the petitioners

The decree holders/petitioners, pray for expeditious disposal of Misc. Case No.30 of 2022 as also Title Execution Case No.4 of 2012. The judgment debtors preferred an appeal. The court had directed that subject to payment of occupational charges, the execution proceeding shall remain stayed. It is submitted that although a second appeal has been filed before this court, no order of stay of the execution has yet been passed. Two applications being Misc. Case No.29 of 2022 and Misc. Case No.30 of 2022 are pending disposal in the execution proceedings.

Under such circumstances, this court is of the view that justice would be subserved, if the learned court below is directed to dispose of the said pending applications as also the title execution case, on an urgent basis.

This court has neither gone into the merits of the applications nor into the merits of the execution case. An order of expeditious disposal of any litigation, enures to the benefit of all the parties.

Hence, prior service of this revisional application upon the opposite parties, would not be necessary. The prayer is innocuous.

The revisional application is disposed of with a direction upon the learned court below to dispose of the pending applications within a period of four months from the next date fixed, and thereafter the learned court below shall make an endeavour to dispose of the execution case within the following four months, without granting unnecessary adjournments to either of the parties. The learned court below shall proceed strictly in accordance with law and independently. In the event there are no stay orders passed in the pending second appeal, this order will be binding.

Petitioners are directed to serve a copy of this revisional application along with a server copy of this order, upon the opposite parties.

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)