

13.10.2023
Sl. No.55(DL)
srm

C.O. No. 2373 of 2023

Md. Ibrahim Ansari

Versus

Bablu Khan & Ors.

Mr. Sanjib Sett

...for the Petitioner.

Despite service, none appears on behalf of the opposite parties. Affidavit-of-service is taken on record.

It appears that the suit was decreed in favour of the petitioner/decreed-holder. The title appeal therefrom was dismissed.

The petitioner prays for expeditious disposal of the title execution case. The Court is of the view that 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. Hence, there is no requirement for service of prior notice upon the opposite parties.

However, whether any second appeal has been filed or not or any other order has been passed by a competent court,

which would be an impediment towards disposal of the proceeding, is not known to this court.

Thus, under the circumstances, this Court deems it fit to dispose of the revisional application by directing the learned Civil Judge (Junior Division), 3rd Court, Howrah, to conclude the Title Execution Case No.97 of 2019 within a period of three months from the next date fixed, unless there are other orders of any superior court or a competent court passed in any pending proceeding, staying the execution case. Unnecessary adjournments shall not be granted to any of the parties.

This Court has not gone into the merits of the execution case.

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