

September 13, 2023
Sl. No.226
Court No.19
s.biswas

CO 2489 of 2023

Sri Bishnupada Biswas
vs.
Uttam Mondal

Mr. Suman Chattopadhyay

... for the petitioner

The petitioner is the decree holder, who prays for expeditious disposal of the Title Execution case no.34 of 2022, arising out of Title Suit No.185 of 2015, which is pending before the learned Civil Judge (Junior Division), 4th Court, at Alipore, South 24 Parganas. According to the petitioner, the suit was decreed ex parte and an application for setting aside the ex part decree was filed by the opposite party/judgment debtor. The said proceeding was dismissed. Thereafter, no steps were taken by the judgment debtor. The petitioner put the decree into execution.

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 pending title execution case, on an urgent basis.

This court has not gone into the merits of the title appeal. 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 party, would not be necessary. The prayer is innocuous and very reasonable.

The revisional application is disposed of with a direction upon the learned court below to dispose of the pending title execution case preferably within a period of two months from the next date fixed, without granting unnecessary adjournments to either of the parties and upon granting adequate opportunity to the opposite party to contest the proceedings. The learned court below shall proceed strictly in accordance with law and independently.

Petitioner is directed to serve a copy of this revisional application along with the server copy of this order upon the opposite party.

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.)