

30.08.2023  
Sl. No.14(DL)  
srm

**C.O. No. 2509 of 2023**

**Jayanti Dutta @ Jayanti Datta**

**Versus**

**Dibendu Sarkar & Anr.**

Mr. Sounak Bhattacharya,  
Mr. Abhirup Halder

...for the Petitioner.

The petitioner prays for expeditious disposal of Title Execution Case No.01 of 2017 arising out of judgment and decree passed in Title Suit No.184 of 2010. The title execution case is pending before the learned Civil Judge (Senior Division), 2<sup>nd</sup> Court at Barasat, North 24-Parganas.

According to the petitioner. The suit was decreed. The decree was challenged in a first appeal. The first appeal was dismissed. A second appeal therefrom, was also dismissed. Mr. Bhattacharya also draws the attention of the Court to an order passed by a Division Bench of this Court dated August 22, 2022, while dismissing the second appeal. Hence, the petitioner prays that there was no embargo on the learned court below, to proceed with the title execution case.

It is also submitted that no application under Section 47 of the Code of Civil Procedure or under Order XXI of the Code of Civil Procedure, has been filed.

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 parties 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 title execution case along with the pending application within a period of three months from the next date fixed, independently and strictly in accordance with law. Unnecessary adjournments shall not be granted to any of the parties.

This Court has neither gone into the merits of the application nor into the title 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.)**