

05.01.2023
Item No.11
Ct. No.7
CHC
(disposed of)

C.O. 2457 of 2022

Bishnu Charan Basak
...
Vs.
Jagannath Basak & ors.

Mr. Mrininal Kanti Ghosh
...for the petitioner

A direction to secure expeditious disposal of Title Execution Case No.19 of 2019, arising out of Title Suit No.239 of 1991 of learned Civil Judge (Senior Division), 2nd Court, at Barasat, North 24 Parganas, is the ultimate relief sought for in this case.

As per submission disclosed by the learned advocate for the petitioner that Misc. Case No.57 of 2019 is relatable to Order 21 Rule 97, 98 to 101 C.P.C. for the determination of independent title if any, while Misc. Case No.545 of 2018 is for police assistance for the execution of the decree.

No other point is raised requiring address by this Court.

In view of the nature of order proposed to be made in this case, no prior notice is considered to be necessary.

Service upon the opposite parties stands dispensed with.

Accordingly, learned Civil Judge (Senior Division), 2nd Court, at Barasat, North 24 Parganas, in Title Suit No.239 of 1991, is requested to ensure expeditious disposal of the Misc. Case No.57 of 2019, relatable to Order 21 Rule 97, 98 to 101 C.P.C., subject to suitability and convenience of the court below, providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable, preferably, before the end of Puja Vacation of the court below for the year 2023. After logical conclusion of the Misc. Case No.57 of 2019 is reached, the court below would sincerely put his best endeavour to dispose of pending Title Execution Case No.19 of 2009, after causing disposal of Misc. Case No.545 of 2018.

With this observation/direction, the revisional application stands disposed of.

Petitioner is directed to make communication of this order to the learned court below as well as to the opposite parties and their learned advocate in the court below.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)