

Item No.217
13.09.2023
Court. No. 19
GB

C.O. 2509 of 2022

Sri Durga Pada Karmakar
Vs.
Smt. Gita Nayek & Ors.

*Mr. Kushal Chatterjee,
Mr. Debrup Choudhury*

...for the Petitioner.

By this application, the petitioner/decreed-holder seeks expeditious disposal of Title Execution Case No.08 of 2009, which is pending before the learned Civil Judge (Junior Division) at Barrackpore.

It is submitted that the Title Suit No.240 of 1992 was decreed on April 27, 2009. The appeal therefrom was dismissed. No second appeal has been preferred. The petitioner submits that there is no impediment on the part of the learned court from continuing with the execution case. The petitioner further submits that an application under Order 21 Rule 11 of the Code of Civil Procedure is pending.

Considering the submissions, the Court is of the view that the prayer of the petitioners 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 and hence, there is no requirement for service of prior notice upon the opposite party.

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, preferably within a period of four months from the next date fixed.

Adequate opportunity shall be granted to the parties to contest the same.

This court has not expressed any opinion on the merits of the pending applications and the execution case. The learned court shall proceed independently and in accordance with law.

A copy of the revisional application, along with a server copy of this order be served upon the opposite parties and/or the learned advocate contesting the matter on behalf of the opposite parties in the learned court below.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)