

06.10.2023
Sl. No.19(DL)
srm

C.O. No. 2717 of 2023
Sri Vijay Kumar Singh
Versus
Uday Shankar Shaw & Ors.

Mr. Partha Pratim Ray,
Mr. Nasim Ahmed

...for the Petitioner.

The revisional application arises out of an order dated July 6, 2023 passed by the learned Civil Judge (Junior Division), 1st Court at Howrah, in Title Execution No.36 of 2023.

This Court is of the view that the order impugned does not suffer from any material irregularity as there was no stay in Title Appeal No.16 of 2023. The learned court below directed delivery of possession with the help of bailiff. Unless the petitioner is equipped with an order of stay of the execution from the appropriate appellate court, the High Court cannot intervene and pass necessary orders.

The petitioner is at liberty to pray for immediate reliefs before the learned lower appellate court if the petitioner wants to seek any stay of the execution, but the High Court in the factual background, as available, cannot interfere with the order impugned.

The revisional application is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)