

December 4, 2023
Sl. No.360
Court No.19
s.biswas

CO 3508 of 2023

Mita Ghosh
vs.
Srabani Acharya and another

Mr. Nitai Ch. Saha
Mr. Santanu Banik
Mr. Abhijit Ch. Majumder

... for the petitioner

Despite service, none appears on behalf of the opposite parties. Affidavit of service is taken on record.

The petitioner submits that Title Suit No.96 of 1989 was decreed by the learned Civil Judge (Junior Division), 3rd Court at Alipore dated April 30, 2013. The opposite parties preferred Title Appeal 188 of 2013, which was renumbered as Title Appeal No.257 of 2017. The said appeal was dismissed on contest. It is further submitted that no second appeal has been preferred. During pendency of the Title Appeal, execution case was dismissed for default. The petitioner contends that the application for restoration is pending, as the case file of Title Execution Case No.21378 of 2013, cannot be traced. The petitioner claims to have filed an application for reconstruction of the file, which is pending.

This court has not gone into the merits of the application. An order of expeditious disposal of any litigation, enures to the benefit of all the parties. The prayer is innocuous and very reasonable.

The revisional application is disposed of with a direction upon the learned Civil Judge (Junior Division), 3rd Court at Alipore to either trace the case records or dispose of the application for reconstruction of the records filed in connection with the execution case, by the plaintiff/decreed holder, in accordance with law, upon granting an opportunity to the opposite party to contest the same. The application shall be disposed of within a period of one month from the next date fixed.

The application for restoration shall be disposed within another two months from reconstruction of the file, upon contested hearing. On the outcome of the said application, the execution case shall be disposed of expeditiously, subject to any order by any superior forum.

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

(Shampa Sarkar, J.)