

Item No.65  
17.10.2023  
Court. No. 19  
GB

C.O. 3578 of 2023

Cygnus Investment & Finance Pvt. Limited  
Vs.  
Dr. Swastika Mahapatra @ Swastika Pal & Anr.

*Mr. Dwaipayan Basu Mullick,  
Mr. Subhankar Chakraborty,  
Mr. Saptarshi Bhattacharjee*

*...for the Petitioner.*

By this application, the petitioner seeks expeditious disposal of the Misc. Execution (Arb) Case No.01 of 2019, pending before the learned Commercial Court at Alipore.

It is submitted that the application for setting aside of the award has been rejected. No appeal under Section 37 of the Arbitration and Conciliation Act has been filed. The application under Section 47 of the Code of Civil Procedure filed in connection with the execution case has also been dismissed.

Considering the submissions, the Court is of the view that the prayer of the petitioner 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. Hence, there is no requirement for service of prior notice upon the opposite parties.

The revisional application is disposed of with a direction upon the learned court below to dispose of the Misc. Execution (Arb) Case No.01 of 2019 within a period of four months from the next date fixed, strictly in accordance with law and if there are no proceedings pending before any forum, which would cause an impediment towards disposal of the

execution case. Adequate opportunity shall be granted to all the parties to participate.

This court has not expressed any opinion on the merits of the 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.)**