

21.12.2023
Court No. 19
Item no.35
CP

CO/3795/2023
CYGNUS INVESTMENTS & FINANCE PVT. LTD.
VS
SHAMPA SADHYA AND ANR

Mr. M. Dutta
Mr. Subhankar Chakraborty
Mr. S. Bhattacharjee

.....for the petitioner.

The award holder prays for expeditious disposal of Money Execution Case No. 1 of 2021 which is pending before the learned Commercial Court at Alipore. It is submitted that two applications, i.e., one under Section 47 and the other under Order 21 Rule 29 of the Code of Civil Procedure are pending. It is also contended that those applications have been filed only to delay the execution.

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 said pending applications within three months

from the next date fixed. Adequate opportunity shall be granted to the parties to contest the same. Thereafter, on the basis of the outcome of the applications, the court shall make serious endeavour to dispose of the Execution Case expeditiously.

This court has not expressed any opinion on the merits of the applications and the proceeding. 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, within a week.

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.)