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 2023
AGM
/RKB
Ct 07

C.O. 3589 of 2022

**Smt. Swapna Saha & Ors
Vs
Shri Dhiman Bhattacharya**

Mr. Kishore Mukherjee,
Mr. Ahitagni Dey,
... For the petitioners.

Mr. Supriya Chattopadhyay,
Mr. Sudip Kumar Maiti,
... For the opposite party.

Analogous hearing of execution proceeding and Misc Case No. 27 of 2022 under Order 9 Rule 13 CPC has been rejected by the order impugned.

Mr. Kishore Mukherjee, learned advocate appearing for the petitioners, while assailing the impugned order, submits that in order to ensure expeditious disposal of the Misc Case, and the connected application filed in the execution proceeding for the execution of the decree already granted, passed in a counter claim, analogous hearing may be allowed simply to shorten the time, and the necessary expenses to be incurred by the parties therefor.

Mr. Supriya Chattopadhyay, learned advocate appearing for the opposite party, advertng to order passed in C.O. 1687 of 2022, submits that there has already been a direction passed requiring the Court below to ensure expeditious disposal of Misc Case No. 27 of 2022, registered under Order 9 Rule 13 CPC, arising out of Title Suit No. 257 of 2017, without

granting unnecessary adjournment, unless it is extremely unavoidable.

It is thus proposed by the opposite party that when there is already a direction given to ensure expeditious disposal, the impugned order does not call for any interference.

It is further submitted by the opposite party that the decree of counter claim granted by the Court below remained undisturbed by superior forum.

Having considered the submission of both parties, it appears that in the event of execution of the decree, there will be hardly anything left for adjudication any more with the subject for adjudication in the Misc Case No. 27 of 2022 under Order 9 Rule 13 CPC.

The revisional application is thus disposed of directing the Court below to ensure expeditious disposal of Misc Case No. 27 of 2022 subject to the suitability and convenience of the Court below, but without granting unnecessary adjournment, unless it is extremely unavoidable, preferably before the end of Puja vacation of the Court below for the year 2023.

The execution proceeding referred being Title Execution No. 5 of 2022 pending before the learned Civil Judge (Junior Division), Bidhannagar may be disposed of with utmost expedition, after the decision is returned in connection with the referred Misc Case

under Order 9 Rule 13 CPC.

This order is passed without entering into the merits of the case disclosed in Order 9 Rule 13 petition as well as the petition proposing execution proceeding.

Mr. Supriya Chattopadhyay, learned advocate appearing for the opposite party assures this Court that the required exercise will be taken in the meantime for issuing summons upon the petitioners/decreed-holders in accordance with law, within three weeks from the date of communication of this Court below.

(Subhasis Dasgupta, J)