

21.12.2023
Court No. 19
Item no.39
CP

CO/3973/2023

NAJMA KHATUN AND ORS
VS
SK RABIUL ALI @ RABIUL RAHAMAN

Mr. J. K. Bhattacharyya
Mr. A. K. Bera
Mr. Arijit Bera

.....for the petitioners.

The petitioners are the decree holders who pray for expeditious disposal of the Title Execution Case No. 108 of 2018 along with J. Misc. Case No. 117 of 2022, which is pending before the learned Civil Judge (Junior Division) 3rd Court, Paschim Midnapore.

It is submitted that the decree of the learned Trial Judge has been upheld upto the High Court.

The prayer of the petitioners 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 party.

The revisional application is disposed of with a direction upon the learned court below to dispose of the application under Section 47 being J. Misc. Case No. 117 of 2022 within two months from the next date fixed. Adequate opportunity shall be granted to

the parties to contest the same. Thereafter, the learned court, on the outcome of the said application shall proceed with the execution case and dispose of the same not later than four months.

This court has not expressed any opinion on the merits of the application and the execution 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 party and/or the learned advocate contesting the matter on behalf of the opposite party 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.)