

July 24, 2023
Sl. No.128
Court No.19
s.biswas

CO 3721 of 2022

Durgadas Gorain

vs.

Ajit Mahato

Mr. Surya Kumar Chattopadhyay

Mr. Satya Ranjan Kundu

Mr. Ankit Chatterjee

... for the petitioner

The petitioner is the decree holder in Title Suit No.63 of 2005. The suit was decreed on May 13, 2010. It is submitted that the judgment debtor lost in the first appeal and the second appeal filed before this Hon'ble Court was withdrawn. The order of the Hon'ble High Court dated September 13, 2017 is annexed to the revisional application. The appellant had filed an affidavit before the High Court, with written instruction indicating that the appellant did not want to proceed with the second appeal. It is submitted that a Title Execution Case being no.4 of 2010 was filed by the decree holder. It is further submitted that an application under Order 21 Rules 99 and 100 of the Code of Civil Procedure had been filed by a third party, which was registered as Misc. Case No.43 of 2018. The petitioner prays for expeditious disposal of the pending misc. case as also the title execution case.

Under such circumstances, this court is of the view that justice would be subserved, if the learned court below is directed to dispose of the said pending

misc. case as also the title execution case, on an urgent basis.

This court has neither gone into the merits of the misc. case nor into the merits of the execution case. An order of expeditious disposal of any litigation, enures to the benefit of all the parties. Hence, prior service of this revisional application upon the opposite party, would not be necessary. The prayer is innocuous.

The revisional application is disposed of with a direction upon the learned court below to dispose of the pending misc case within two months from the next date fixed and thereafter make an endeavour to proceed with the title execution case and dispose of the same within a period of three months after disposal of the misc case, without granting unnecessary adjournments to any of the parties. The learned court below shall proceed strictly in accordance with law and independently.

Petitioners are directed to serve a copy of this revisional application along with the server copy of this order upon the opposite party.

Accordingly, the revisional application is disposed of.

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

(Shampa Sarkar, J.)