

December 11, 2023
Sl. No.285
Court No.19
s.biswas

CO 4127 of 2023

Annapurna Nandy @ Anima Nandy
vs.
Ranjit Mondal

Mr. Bratin Ray
Mr. Somnath Bera
Ms. Shetparna Ray

... for the petitioner

The petitioner submits that she is the plaintiff/decree holder, who is suffering an unconditional stay of the execution case, filed in connection with a decree of eviction passed in Title Suit No.183 of 2017. It is submitted that the interim stay was being extended by the learned lower appellate court in Title Appeal No.31 of 2021, but learned Additional District Judge, Fast Track Court, Serampore has not passed any order for payment of occupational charges.

Be that as it may, this court is of the view that justice would be subserved, if the learned court below is directed to dispose of the said appeal along with the application for stay, on an urgent basis.

This court has neither gone into the merits of the application nor into the merits of the appeal. 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 and very reasonable.

The revisional application is disposed of with a direction upon the learned lower appellate court, to dispose of the pending application within two months from the next date fixed, strictly in accordance with law. Thereafter, the learned court below shall proceed with the Title Appeal No.31 of 2021 and dispose of the same within a year, without granting unnecessary adjournments to either of the parties and upon granting adequate opportunity to the opposite party to contest the proceedings. The learned court below shall proceed strictly in accordance with law and independently.

Petitioner is 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.)