

C.O. 3151 of 2014

In the matter of : Azizul Haque

As usual none appears on behalf of the petitioner.

Earlier on 08.6.2023 and 15.6.2023 matter was adjourned *suo moto* in absence of learned counsel representing the petitioners.

In view of the mandate of Hon'ble Supreme Court given in the case of **Robin Thapa vs. Rohit Dora** reported in **AIR 2019 SCC 3225** held that ;

"8. Ordinarily, a litigation is based on adjudication on the merits of the contentions of the parties. Litigation should not be terminated by default, either of the plaintiff or the defendant. The cause of justice does require that as far as possible, adjudication be done on merits."

Under such circumstances, I am inclined to dispose of the application on merit.

This revisional application under Article 227 of Constitution of India impeaches the Order No. 11 dated 30.6.2014 passed by the learned Civil Judge, Junior Division, 2nd Court, Bolpur, Birbhum in Title Execution Case No. 4 of 2013. The petitioner complains of the executing court for not taking appropriate step to execute the decree. The proceeding is being adjourned on lame excuses on the part of the Nazir of the Court. Learned Executing Court is directed to take all necessary steps for effecting delivery of possession to the plaintiff / decree holder by executing the decree within six weeks from date, if not already executed.

The revisional application, is thus, allowed.

Let a copy of the order be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)