

12.07.2023
Sl. No.54(DL)
srm

C.O. No. 3922 of 2022

Madhab Mandal

Versus

Sachin Mondal & Ors.

Mr. Sounak Mondal

...for the Petitioner.

Supplementary affidavit filed by the petitioner is taken on record.

This revisional application has been filed for expeditious disposal of Title Execution Case No.3 of 2013, which is pending before the learned Civil Judge (Junior Division), 1st Court at Baruipur, District-South 24-Parganas.

It is submitted that the suit was decreed on December 21, 2012. The title appeal was dismissed by the learned first appellate court by a judgment and decree dated May 10, 2018. The petitioner put the decree into execution. The judgment debtor filed a second appeal before the High Court, which was registered as SAT 310 of 2018. The same was dismissed by an order dated December 6, 2018 under Order XLI Rule 11 of the Code of Civil Procedure. It is further submitted that application under Section 47 of the Code of Civil Procedure was also dismissed by an order dated March 3, 2022.

Hence, this Court is of the view that the prayer of the petitioner for expeditious disposal of the title execution case is reasonable.

An order of expeditious disposal of any litigation enures to the benefit of all the parties and hence prior service of this revisional application upon the opposite parties is not required. The prayer is innocuous.

Under such circumstances, the revisional application is disposed of with a direction upon the learned court below to dispose of Title Execution Case No.3 of 2013 within a period of three months from the next date fixed, strictly in accordance with law and independently. Unnecessary adjournments shall not be granted to any of the parties.

This Court has not gone into the merits of the title execution case.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties within a week.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)