

18.12.2023
Sl. No.290(DL)
srm

C.O. No. 4252 of 2023
Sukumar Misra
Versus
Subir Misra & Anr.

Mr. Nilanjan Chatterjee

...for the Petitioner.

The petitioner is the decree-holder, who prays for expeditious disposal of Title Execution No.5 of 2017 along with Misc. Case No.01 of 2019. The execution case arises out of a judgment and decree dated September 26, 2016 passed in Title Suit No.289 of 2013. The said proceeding is pending before the learned Civil Judge (Senior Division), Burdwan.

Considering the submission, this Court is of the view that the prayer of the petitioner for early hearing 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 parties.

Under such circumstances, the revisional application is disposed of, with a direction upon the learned court below to dispose of the misc. case within a period of two months from the next date fixed, independently and strictly in accordance with law, upon allowing the parties to contest the proceeding.

On the outcome of the misc. case, the learned court below shall dispose of the execution case, in accordance with law. Needless to mention, all parties shall be granted ample opportunities to contest the proceeding.

Unnecessary adjournments shall not be granted to any of the parties.

This Court has neither gone into the merits of the misc. case nor into the merits of the 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.)