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IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

EC/90/2011

IA NO: GA/8/2011(Old No:GA/1034/2011),
GA/9/2011(Old No:GA/1035/2011),
GA/10/2011(Old No:GA/1036/2011),
GA/11/2011(Old No:GA/1038/2011),
GA/12/2011(Old No:GA/1100/2011)

LALIT KUMAR BAGLA & ORS.
VS
RAJIV KUMAR PODDAR AND ORS.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 4th September, 2023.

Appearance:

Mr. Sakya sen, Adv.

Mr. Animesh Paul, Adv.

Mr. Srijib Chakraborty, Adv.

Mr. S. Chakraborty, Adv.

Mr. S. Nandy, Adv.

Mr. A. Chowdhury, Adv.

Mr.D. Kar, Adv.

Ms. N. Chakraborty, Adv.

The Court: This is an application for execution of a decree dated 11th August, 2010. Pursuant to the filing of this application, third party intervenors had applied under Order 21 Rules 99 and 101 of the Code of Civil Procedure, 1908. By a judgement dated 23rd September, 2015, a Coordinate Bench had dismissed the said application.

Being aggrieved by the order dated 23rd September, 2015, the intervenors had preferred an appeal being APD No. 501 of 2015. By an order dated 20th May, 2016, the Division Bench had allowed the appeal granting the third party intervenors liberty to intervene in these proceedings. Thereafter, a Special Leave Petition had also been filed which was disposed of by an order dated 4th May, 2022, affirming the view taken by the Hon'ble Division Bench and granting liberty to the third party intervenors to intervene in this proceedings.

It is submitted on behalf of both the parties that pursuant to the aforesaid, a connected proceeding has been filed before the West Bengal Land Reforms and Tenancy Tribunal being OA No. 1820 of 2023 in MA No. 689 of 2023. In view of the pendency of the appeal before the West Bengal Land Reforms and Tenancy Tribunal, admittedly the instant execution application has become infructuous and cannot be proceeded with at present.

Accordingly, EC/90/2011 alongwith all connected applications stand disposed of as infructuous.

Liberty is granted to the decree-holder to file a fresh execution application if the circumstances so warrant in accordance with law at the appropriate stage, if necessary.

It is made clear that there has been no adjudication of any of the rival contentions in this application and all points are left open to be decided at an appropriate stage.

Liberty is also granted to the decree-holder to take back the original decree dated 11th August, 2010 after replacing the same with a photocopy thereof.

(RAVI KRISHAN KAPUR, J.)

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