

29.01.2024
Sl. No.169(DL)
srm

C.O. No. 71 of 2024

Tarun Kumar Gupta

Versus

Mintu Das

Mr. Soumava Mukherjee

...for the Petitioner.

The decree-holder prays for expeditious disposal of Title Execution Case No.16 of 2017, which is pending before the learned Civil Judge (Junior Division), 1st Court at Chandannagar.

The petitioner submits that the execution case is being adjourned either because the presiding officer is on leave or there is a resolution of the Bar. It is further submitted that an application under Section 47 of the Code of Civil Procedure is pending in the execution case, which has been registered as MJC 63 of 2018.

Considering the submissions, this Court is of the view that the prayer of the petitioner for early disposal of the proceedings, 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 party.

This Court is of the view that unless there is an order of stay of the execution by a competent court or a superior court, and there is no impediment towards disposing of the proceedings by the learned executing court, the application under Section 47 of the Code of Civil Procedure shall be disposed of within a period of three months from the next date fixed upon allowing the parties to contest the same. On the outcome of the said application, the execution case shall also be proceeded with and disposed of within the next six months.

This Court has neither gone into the merits of the application 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 party 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.)