

Item No.16
01.05.2024
Court. No. 19
GB

C.O. 60 of 2022

Sri Harisadhan Das

Vs.

Madan Mohan Das (since deceased)
Represented by Smt. Nibharai Das & Ors.

Mr. Jayanta Das,
Ms. Soumita Ghosh

...for the Petitioner.

Mr. Rabindranath Mahato,
Mr. Aritra Shankar Ray

...for the Opposite Parties.

The revisional application has been filed challenging an order date November 30, 2021, passed by the learned Civil Judge (Senior Division), 3rd Court at Paschim Medinipur in Title Execution Case No.4 of 2019 arising out of Title Suit No.22 of 2003.

Instead of adjudicating the propriety of the order dated November 30, 2021, this Court is of the view that the learned court should proceed with the hearing of the application under Section 47 of the Code of Civil Procedure and dispose of the same within a period of two months from the date of communication of this order.

Till the disposal of the said application, the opposite parties, heirs of Madan Mohan Das shall not proceed with the execution.

The learned court shall decide the course of action with regard to the execution proceeding after disposal of the application under Section 47 of the Code of Civil Procedure, which had been filed by the petitioner.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)