

Item No.56
07.03.2024
Court. No. 19
GB

C.O. 206 of 2024

Md. Mohasin Ali Gazi
Vs.
Motibur Rahaman Gazi & Ors.

Mr. Md. Zeeshanuz Zaman

...for the Petitioner.

By this application, the decree-holder prays for expeditious disposal of the Title Execution Case No.04 of 2023, filed in connection with Title Suit No.235 of 2020, which is pending before the learned Civil Judge (Junior Division), 3rd Court at Baruipur, South 24 Parganas.

It is submitted that Misc. Case No.31 of 2023 is pending.

Considering the submissions, this Court is of the view that the prayer of the petitioner 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.

The revisional application is disposed of with a direction upon the learned court below, to dispose of the misc. case and the execution case within a period of one year from the next date fixed, mandatorily. Adequate opportunity shall be given to the parties to contest the same.

This court has not expressed any opinion on the merits of the misc. case and the execution case. The learned court shall proceed independently and in accordance with law.

A copy of the revisional application, along with a server copy of this order be served upon the opposite parties and/or the learned advocate contesting the matter on behalf of the opposite parties in the learned court below.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)