

16.05.2024
Ct. No. 19
Sl. No.02
Cp

C.O. No. 301 of 2024

Sri Sudama Sharma
Vs.
Sri Joy Shankar Shaw

Mr. Debasis Kar

... for the petitioner.

Mr. Siva Prasad Ghosh

.....for the opposite party.

The court does not find any reason to interfere with the order dated September 2, 2023, passed by the learned Civil Judge (Junior Division), Barrackpore, in Ejectment Execution Case No. 48 of 2018.

The learned executing court was of the view that as a misc. case being Misc. Case No.11 of 2022 had been filed for setting aside an ex parte decree, the proper remedy of the petitioner would be to approach the said court and obtain a stay of the execution.

The learned court rightly held that the remedy of the petitioner would be to file an application for stay in the misc. case and obtain necessary orders.

The petitioner is at liberty to approach the learned court where the said misc. case is pending and pray for necessary order for stay of the execution and the learned court shall consider such prayer within 10 days from filing thereof, upon considering the principles for grant of

stay of execution of a decree for eviction, by protecting the interest of the decree holders. The execution case shall remained stayed for a month from date or till the next date fixed by the learned court, whichever is later.

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.)