

13.02.2024
Ct. No. 19
Sl. No.45
Cp

C.O. No. 359 of 2024

Sri Anuj Kumar De
Vs.
Kamal Dhar alias Chatak Dhar & Ors.

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
Mr. Kaustav Bhattacharya
Ms. S. Chakrabarty
Mr. P. Jana

... for the Petitioner.

The petitioner prays for expeditious disposal of the Title Execution Case No. 09 of 2022, which is pending before the learned Civil Judge (Senior Division), 2nd Court, Barasat.

It is submitted that the Title Suit No. 163 of 2012 was decreed on November 27, 2019. The judgment debtor did not file any appeal from such decree. Accordingly, the plaintiff put the decree into execution. The application for stay of the execution proceeding filed by the judgment debtor, was rejected on April 29, 2023. Such order was not challenged before the High Court. On September 16, 2023, the judgment debtor prayed for an adjournment. On January 6, 2024, again the judgment debtor prayed for an adjournment. The plaintiff is a senior citizen, who is around 71 years old and seeks expeditious disposal of the execution case.

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.

This court is of the view that unless there are other proceedings or orders which would be an impediment towards disposal of the execution case, the Title Execution Case No. 09 of 2022 should be disposed of within the next six months, strictly in accordance with law.

This court has not expressed any opinion on the merits of the 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, within a week.

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.)