

16.04.2024
Ct. No. 19
Sl. No. 11
Cp

CO/458/2024

SATYESHWAR PAL SINCE DECEASED HIS LEGAL HEIRS
SANDHYA PAL AND ORS
VS
PANCHU SINGH

Mr. B. Sen
Mr. D. Banerjee

... for the Petitioners.

The petitioners pray for expeditious disposal of an application under Section 151 of the Code of Civil Procedure being Misc. Case No. 17 of 2019 filed in connection with Title Execution Case No. 40 of 2018.

It is submitted that the decree was affirmed by the first appellate court and a second appeal has been preferred before this court, but no steps had been taken by the judgment debtor. It is further submitted that the bailiff had gone to deliver possession of the property in the normal way, but he was resisted. Thereafter, an application for grant of police help was filed under Order 21 Rule 97 of the Code of Civil Procedure which was registered as Misc. Case No. 17 of 2019.

The prayer of the petitioners 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 not inclined to go into the correctness of the submissions made by the learned for the decree holders. However, if there is no further impediment on the part of the learned executing court from proceeding with the execution case and there is no subsisting order of stay of the execution, the learned executing court shall dispose of the Misc. Case expeditiously, preferably within two months from the next date fixed. Adequate opportunity shall be granted to the parties to contest the same.

This court has not expressed any opinion on the merits of the Misc. 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 party and/or the learned advocate contesting the matter on behalf of the opposite party 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.)