

Item No. 2
22.02.2024
Court. No. 19
GB

C.O. 582 of 2024

Amit Goswami
Vs.
Mrs. Banashri Nair

*Mr. Sounak Bhattacharya,
Mr. Sounak Mandal*

...for the Petitioner.

*Mr. Manojit Bhattacharya,
Mrs. Sumitra Neogi Bhattacharya,
Mr. Amalendu Bikash Datta*

...for the Opposite Party.

Mr. Manojit Bhattacharya, learned advocate appears on behalf of the opposite party and files his vakalatnama in Court.

The petitioner has challenged an order dated January 10, 2024, passed by the learned Civil Judge (Senior Division), 1st Court at Barasat, District – 24 Parganas (North) in Misc. Case No.1 of 2023. The Misc. Case No.1 of 2023 arose out of Title Execution Case No.28 of 2022.

By the order impugned, the learned court directed the police authorities to assist the process server for execution of writ of delivery of possession. The decree of eviction was passed on July 26, 2022.

This Court does not find any defect in the order passed by the learned executing court. The Bailiff was examined and the Bailiff had contended that the judgment debtor had resisted the Bailiff when the Bailiff went to the decretal property.

However, the petitioner is present in Court and submits that an extension of time be given, so that he may

shift to another premises, upon vacating the suit property. He undertakes to vacate the premises.

As the examinations of the children of the petitioner are going on, this Court grants time till June 15, 2024 for the judgment debtor/petitioner to vacate the premises, by delivering khas and vacant possession to the opposite party.

Under such circumstances, the order dated January 10, 2024 and the execution case shall remain stayed. Failure on the part of the petitioner to hand over vacant possession to the decree-holder within June 15, 2024, shall result in revival of the order dated January 10, 2024 and the execution proceeding and the learned court shall again direct the police authorities to assist the Bailiff to ensure that possession of the decreetal property is handed over to the decree-holder.

Affidavit filed by the petitioner with his undertaking, is kept with the record. Similar affidavit shall be filed before the learned executing court within a week from date and the learned executing court shall fix the next date of the proceedings.

Accordingly, the revisional application is disposed of.

However, there shall be no order as to costs.

All the parties and the learned court are directed to act on the basis of the server copy of this order as also on the basis of the learned advocates' communication.

(Shampa Sarkar, J.)