

04.10.2024
Item No.20, DL
Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 669 of 2024

Jhuma Das

-Vs-

Tapan Kumar Das & Anr.

Mr. Sounak Bhattacharya,
Mr. Sounak Mandal,
Mr. Abhirup Haldar.
.....for the petitioner.

Mr. Debanik Banerjee,
Mr. Aniruddha Ganguly.
.....for the opposite parties.

Affidavit of service filed on behalf of the
petitioners be kept with the record.

The matter though has been brought to the
list for extension of interim order but, by the
consent of the parties, it is taken up for final
disposal.

The opposite party no.2 has suffered a
decree of recovery of khas possession in Title Suit
No. 75 of 2019. The said decree was put into
execution giving rise to Title Execution Case No.
01 of 2017 before the learned Civil Judge (Junior
Division), Baruipur, District - 24- Parganas
(South).

In the said execution case, the petitioner
has filed an application under Order XXI Rules
99, 101, 103 and 104 of the Code of Civil
Procedure for determination of her alleged
independent right, title and interest over the
decreetal property.

The said application has been registered before the Executing Court as Miscellaneous case No. 85 of 2019 and in connection with the said Misc. case, the petitioner had filed an application for stay of further proceedings of the said execution case.

The learned Trial Judge by the impugned Order No. 99 dated January 20, 2024 has dismissed the said application for want of particulars of the deed through which the petitioner is claiming her title over the suit property.

The ground of dismissal is too technical inasmuch in the Misc. case, the petitioner has given the details of her purchased property. The order impugned therefore is set aside.

The petitioner is directed to file a supplementary affidavit to the application for stay disclosing the particulars of her purchase.

The Executing Court shall reconsider the said application for stay as expeditiously as possible in accordance with law and in doing so, shall not grant any unnecessary adjournment to either of the parties.

It is made clear that no stay shall be granted without putting the petitioner to terms.

C.O. 669 of 2024 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official website of the Court.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)