

Item No.13
14.03.2024
Court. No. 19
GB

C.O. 762 of 2024

Sri Debaprasanna Jash & Ors.
Vs.
Sri Sitaram Jash

*Mr. S.T. Mina,
Mr. Pratick Sardar*

...for the Petitioners.

The petitioners pray for expeditious disposal of an application for stay which has been filed in Title Execution Case No.04 of 2023. It is submitted that the said application was filed in Title Appeal No.06 of 2023. The title appeal is pending before the Learned Civil Judge (Junior Division), 2nd Court at Arambag.

The contention is that the execution is proceeding expeditiously and unless the application for stay is heard, the petitioner will suffer irreparable loss and injury.

Considering the submissions, this Court is of the view that 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.

Without going into the statements made herein and without making any observations on the merits of the application pending before the learned court, this Court deems it fit that the application should be disposed of within a week from the next date fixed and in accordance with law.

Adequate opportunity shall be given to the parties to contest the same.

This court has neither expressed any opinion on the merits of the execution case nor on the merits of the application. 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.

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.)