

March 12, 2024
Sl. No.37
Court No.19
s.biswas

CO 772 of 2024

Sk. Akil @Md. Akil Ali and others
vs.
Permena Bibi and others

Mr. Shamit Sanyal
Ms. Salma S. Shah

... for the petitioners

The revisional application is misconceived. The petitioner wants this court to revise several orders passed between 2018 to 2019 in P. Execution Case No.01 of 2018. Recourse not having been taken before the learned executing court alleging that the execution could not proceed against dead persons, the petitioner has approached this court in February 2024.

The petitioners claim to be heirs of one of the parties in the final decree of the partition suit. According to the petitioners, the defendant no.1 died before the final decree was passed, but his heirs were not substituted. The execution proceeded against a dead person. However, the proper course for the petitioners would be to approach the learned court and pray for necessary orders. Further, necessary correction in the final decree will also be required to be incorporated, if the contention of the petitioners are correct.

Under such circumstances, the revisional application stands disposed of. The petitioners are at

liberty to take steps, in accordance with law, before the learned court.

All the parties are directed to act on the basis of the server copy of the order.

Urgent Photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Shampa Sarkar, J.)