

18.04.2024
Sl. No.21(DL)
srm

C.O. No. 1108 of 2024
Asfak Hossain Khan
Versus
Khelafat Hossain Khan & Ors.

Mr. Santanu Das

...for the Petitioner.

The petitioner, who is the decree-holder, prays for expeditious disposal of J.Misc. Case No.28 of 2021 filed in connection with Title Execution Case No.02 of 2018. The proceedings are pending before the learned Civil Judge (Senior Division), 1st Court, Contai, Purba Medinipur. It appears that an application for stay in connection with the said J.Misc. Case has also been filed.

Considering the submission, this Court is of the view that the prayer of the petitioner for early disposal of the proceeding, 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 parties.

Under such circumstances, the revisional application is disposed of, with a direction upon the learned court to dispose

of the stay application along with the J. Misc. Case within a period of four months from the next date fixed, independently and strictly in accordance with law, upon allowing the parties to contest the proceeding. On the outcome of the J. Misc. and if the case fails, the learned court shall proceed with the title execution case in accordance with law and make a sincere endeavour to dispose of the same within six months thereafter. Unnecessary adjournments shall not be granted to any of the parties. The order sheet reveals that on the days when the stay application was fixed for hearing, adjournments had been prayed for by the opposite party.

This Court has neither gone into the merits of application as also the J. Misc. case nor into the merits of the suit.

A copy of the revisional application along with a server copy of this order be served upon the learned Advocate for the opposite parties in the learned court within a week.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)