

Item No.9
01.05.2024
Court. No. 19
GB

C.O. 1236 of 2024

Sri Tapan Pradhan & Anr.
Vs.
Koushik Maity & Ors.

*Mr. Rajdeep Bhattacharya,
Mr. Sanjib Sankar Majumdar,
Mr. Debasish Banerjee*

...for the Petitioners.

By this application, the petitioners seek expeditious disposal of Title Execution Case No.07 of 2017, which is pending before the learned Civil Judge (Senior Division) at Diamond Harbour, District – 24 Parganas (South).

It is submitted that bailiff was resisted and an application for delivery of possession with police help was filed. The said application is yet to be decided. It is specifically stated that no proceeding either under Section 47 of the Code of Civil Procedure or under Order 21 Rules 99 to 101 of the Code is pending. It is also stated that no appeal is pending.

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 parties.

Under such circumstances, the revisional application is disposed of with a direction upon the learned court to proceed with the execution case, upon verifying the submissions which have been made before this Court, preferably within a period

of six months from the next date fixed. Adequate opportunity shall be given to the parties to contest the same.

This court has not expressed any opinion on the merits of the execution case. 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 parties and/or the learned advocate contesting the matter on behalf of the opposite parties 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.)