

22.04.2024
Ct. No. 19
Sl. No.18
Cp

CO/1332/2024

AMIT CHAND MITRA AND ANR

VS

PAUL RUBBER INDUSTRIES PVT. LTD.

Mr. A. Dasadhikari

Mr. Krishnendu Paul Chowdhury

... for the petitioners.

The petitioners pray for expeditious disposal of Title Execution Case No.2 of 2013, which is pending before the learned Civil Judge (Senior Division), Sealdah, arising out of judgment and decree dated July 16, 2012, passed in Title Suit No. 115 of 2008.

It is submitted that the Hon'ble Apex Court by judgment dated September 25, 2023, dismissed the special leave petition filed by the judgment debtor. The contention of the decree holder is that the judgment debtor has been praying for adjournment in the Title Execution Case on the ground that a review will be filed before the Hon'ble Apex Court. The petitioners have annexed the case status of the Hon'ble Apex Court to substantiate that no such review application has been filed.

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.

The revisional application is disposed of with a direction upon the learned court to make a sincere endeavour to dispose of the Title Execution Case expeditiously, preferably within four months from the next date fixed, provided that the court is satisfied that the judgment debtor has not been provided any relief by the Hon'ble Apex Court in respect of the judgment and decree from which the Title Execution Case arises. Adequate opportunity shall be granted to the parties to contest the same.

This court has not expressed any opinion on the merits of the 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 party and/or the learned advocate contesting the matter on behalf of the opposite party in the learned court below, within a week.

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.)