

13.05.2024
Ct. No. 19
Sl. No.23
Cp

C.O. No. 1483 of 2024

Mahadev Adhikari
Vs.
Bhupendra Nath Halder & Ors.

Mr. Lakshmi Nath Bhattacharya
... for the petitioner.

1. It appears that the application for stay filed in connection with Title Appeal No. 130 of 2014 had not been disposed of. The petitioner who was unsuccessful in his suit being Title Suit No.116 of 2011 could not get any order of stay of the execution in the appeal.
2. The executing court proceeded with Title Execution Case No. 22 of 2019 and the date had been fixed for bailiff's report.
3. The learned Civil Judge (Junior Division), 1st Additional Court, Diamond Harbour recorded that repeated adjournments had been prayed for by the judgment debtor. Although documents were filed showing pendency of the appeal, the court was constrained to fix the next date on June 5, 2024 for execution of the bailiff's report.
4. I do not find any illegality in the order impugned, inasmuch as, the petitioner ought to have acted more diligently in getting his stay application heard. However, for the ends of justice, the only order that

can be passed is to direct the learned Additional District Judge, 1st Track, Fourth Court at Diamond Harbour to hear out the stay application filed in connection with Title Appeal No.130 of 2014 immediately and dispose of the same within June 30, 2024, upon contest.

5. Accordingly, the revisional application is disposed of.
6. All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)