

21.05.2024
Ct. No. 19
Sl. No.07
Cp

C.O. No. 1822 of 2022

Smt. Minati Dey
Vs.
Sri Rajan Dey & anr.

Mr. Partha Pratim Roy
Ms. Deblina Lahiri
Mr. Mrinmoy Chatterjee

... for the petitioner.

Despite service, none appears on behalf of the opposite parties.

The petitioner has raised a pertinent point as to whether the learned Civil Judge (Senior Division), Kalyani, Nadia could have recalled the earlier order of revival of the Title Execution Case No.15 of 2014 on an oral prayer of the judgment debtor no. 2 and without any formal application. On April 9, 2021, the learned court had decided that Title Execution Case No.15 of 2014 should be revived. Notices of revival were also directed to be issued on the judgment debtor nos. 1 and 2. The execution case was revived when the petitioner was dispossessed.

This court is of the view that the proper course of action for the learned court would have been to dispose of the Title Execution Case No.15 of 2014 in accordance with law, upon allowing the contesting parties to enter appearance and contest the proceeding.

Thus, the revisional application is disposed of with a direction upon the learned executing court to dispose of the Title Execution Case No.15 of 2014 which has already been revived, upon hearing the parties and strictly in accordance with law. Such disposal should not be beyond a period of two months from reopening of the court after the summer vacation.

Server copy of this order be communicated to the opposite parties at the earliest, who have not appeared despite service.

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.)