

*In The High Court At Calcutta
Civil Revisional Jurisdiction
(Appellate Side)*

C.O. No. 1965 of 2024

**Nirpendra Narayan Ghosh
Vs.
Chandra Sekhar Murmu**

Mr. Debasish Roy,
Mr. Souvik Ghosh ... For the petitioner.

Mr. Dyutiman Banerjee,
Mr. Vishal Mallick ... For the opposite party.

Affidavit-of-service filed on behalf of the petitioner be kept with the record.

The opposite party has suffered a decree of eviction passed in Title Suit No. 116 of 2014 on December 23, 2019 by the 3rd Court of learned Civil Judge, (Junior Division), at Alipore, District – 24 Parganas (South).

The opposite party being aggrieved by the said judgment and decree has preferred an appeal being Title Appeal No. 25 of 2020, which is pending before the 7th Court of learned Additional District Judge at Alipore, District – 24 Parganas (South).

In the meantime the petitioner has put the said decree into execution giving rise to Title Execution Case No. 19 of 2020.

In the appeal a conditional order of stay of all further proceedings of the said execution case was passed, the opposite party admittedly has failed to comply the said condition, in consequence the said decree has become executable.

The petitioner is complaining that in spite of such position of the matter the executing Court is not proceeding with the execution case due to the pendency of an application under Section 47 of the Code of Civil Procedure filed by the opposite party.

The pendency of the said application under Section 47 of the Code in the backdrop of the facts and circumstance of the present case as discussed above cannot arrest the further proceedings of the said execution case.

The executing Court therefore is directed to dispose of the execution case as expeditiously as possible preferably within a period of eight weeks from the date of communication of this order and in doing so shall not grant any unnecessary adjournment to either of the parties.

The time limit hereby fixed for disposal of the said execution case is peremptory and mandatory.

In the event the said execution case is not disposed of within the said period the petitioner is at liberty to mention the matter before this Court.

Mr. Banerjee, learned advocate for the opposite party complains delay in disposal of the appeal filed by his client.

The appeal Court is also requested to expedite the disposal of the said appeal without entertaining the prayer of the petitioner for adjournment.

C.O. 1965 of 2024 is thus disposed of with the above terms without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)