

18.04.2024
Ct. No. 19
Sl. No.24
Cp

C.O. No. 2013 of 2023

Satyajit Chatterjee & ors.
Vs.
Kazi Firdausi

Mr. Asis Bhattacharyya

... for the Petitioners.

Mr. R. N. Mahato
Mr. D. Chakraborti

....for the Opposite party.

The revisional application is disposed of with a direction upon the learned Civil Judge (Junior Division), 4th Court, Howrah to dispose of the application filed by the petitioners under Order 21 Rule 26 of the Code of Civil Procedure within three weeks from date. If the decree holder has not yet filed any objection to the said application, the same shall be filed within a week.

Needless to mention, the petitioners are also at liberty to pray for expeditious disposal of the applications filed in connection with an appeal which are pending, from the judgment and decree.

Till the disposal of the application under Order 21 Rule 26 of the Code of Civil Procedure, the order impugned dated May 17, 2023 shall be kept in abeyance. Thereafter, on the outcome of the said application and if the application fails, the order shall revive. On other

hand, if the petitioners succeeds in the application, then the learned court shall proceed in accordance with law.

This court has not gone into the merits of the application and the execution case.

As the decree was passed in 2006, this court directs that the time limit fixed should be treated as peremptory. Only one last opportunity to the judgment debtors to pray for stay of the execution during the pendency of the appeal, is allowed.

This order is subject to any other order that may be passed in the appeal.

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.)