

16.07.2024
(D/L-05)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 2494 of 2024

Sri Bapi Chakraborty & Anr.

-Vs-

Iqbal Ahmed & Anr.

Mr. Saptangshu Basu, Ld. Sr. Adv.,
Mr. Aniruddha Chatterjee,
Mr. Chandrachur Chatterjee,
Mr. Tanmoy Sett,

... For the Petitioners.

Mr. Partha Pratim Roy,
Mr. Amarnath Sanyal,
Mr. Dyutiman Banerjee,

.... For the Opposite Party No. 1.

Mr. Anindya Bose,
Mr. Mridul Biswas,

.... For the Opposite Party No.2.

The petitioners are aggrieved by the order dated March 19, 2024 and June 19, 2024 passed by the State Consumer Disputes Redressal Commission in Execution Application No. EA 41 of 2022 arising out of Complaint Case no. CC/199/2019.

The Commission by the said order dated March 19, 2024 has dismissed the application filed by the petitioners for their addition in the said Execution Application and by the order dated June 19, 2024 has allowed an application filed by the opposite party no.1 for police assistance to get the possession of the suit property.

The petitioners are claiming independent right, title and interest over the suit property.

By dint of Section 71 of the Consumer Protection Act 2019, the entire provision of Order XXI of the Code of Civil Procedure has been made applicable in the proceeding levied to enforce every order made by a District Commission, State Commission or the National Commission, therefore, it is always open for the

petitioners to take resort to the Rules 97, 98, 99, 100 and 101 of Order XXI of the Code in the pending execution application for determination of their such independent right, title and interest.

An application for addition in the said execution application is a misconceived action.

The orders impugned, therefore do not call for any interference.

However, it is made clear that if such an application for determination of the said alleged independent right, title and interest of the petitioners is made, the Commission shall decide the same in accordance with law without being influenced by any of the observations and/or findings made in the order impugned dated March 19, 2024.

C.O. 2494 of 2024 is dismissed with the above observations without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official website of this Court.

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.)