

02.09.2024
(M/L-36)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 2651 of 2024

Sk. Manjur Habib

-Vs-

Mantu Sekh & Ors.

Mr. Somnath Roychowdhury,
Ms. Arpita Chowdhury, ... For the Petitioner.

The decree of eviction passed in the Title Suit No. 90 of 2011, when put into execution, has given rise to the Title Execution Case No. 5 of 2019 before the learned Civil Judge (Senior Division), Ranaghat, District: Nadia.

In the said execution case, the petitioner, alleging wrongful dispossession in execution of the said decree, has filed an application for recalling of the writ of possession.

A Co-ordinate Bench of this Court in C.O. 1650 of 2022 had directed to classify the said application as 'Misc. Case'.

The petitioner is complaining that the Executing Court by the order impugned being order no. 44 dated May 16, 2024 has dismissed the said application, instead, has classified the application of a third party as 'Misc. Case'.

It appears from the record that the application filed by the petitioner lacks clarity, therefore, he is permitted to take out a fresh application for the similar relief.

If such an application is filed, the Executing Court, notwithstanding the dismissal of the earlier application of the petitioner, shall consider it in accordance with law.

C.O. 2651 of 2024 is disposed of with the above terms 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.)