

Item No.9
19.03.2024
Court. No. 19
GB

C.O. 2650 of 2022

Srimatya Archana Dhara
Vs.
Sri Bibekananda Adak & Ors.

Mr. Asit Kumar De,
Ms. Susmita Senapati

...for the Petitioner.

The petitioner prays for expeditious disposal of the Title Execution Case No.02 of 2015, which is pending before the Learned Civil Judge (Junior Division), First Additional Court at Contai, District – Purba Medinipur.

It is submitted that the execution is pending. The learned commissioner's report is awaited. It is further submitted that the decree had reached finality and no appeal was pending therefrom.

Considering the submissions, this Court is of the view that the prayer of the petitioner is innocuous. Neither party stands to lose if a proceeding is disposed of expeditiously. In fact, such expeditious disposal shall enure to the benefit of the parties. Hence, there is no requirement for service of prior notice upon the opposite parties.

The revisional application is disposed of with a direction upon the learned court below to dispose of the execution case within a period of six months from the next date fixed. Adequate opportunity shall be given to the parties to contest the same.

This court has not expressed any opinion on the merits of the execution case. The learned court shall proceed independently and in accordance with law.

A copy of the revisional application, along with a server copy of this order be served upon the opposite parties and/or the learned advocate contesting the matter on behalf of the opposite parties in the learned court below.

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.)