

19.02.2024
Item No.61
gd/ssd

CO/3463/2023
SUBHAS CHANDRA DAS
VS
JAYANTA PODDAR

Mr. Dhirendra Nath Chatterjee
..for the petitioner.

The Order dated 2nd September, 2023 passed by the learned Civil Judge (Junior Division), 2nd Court, Barrackpore in Title Execution No.59 of 2018 is under challenge in this civil order.

By the said order the learned trial judge allowed the petition filed by the opposite party herein dated 20th May, 2023 thereby vacating the order directing the execution case to proceed ex parte.

After going through the impugned order, this court finds that the learned executing court was of the view that the judgment-debtor must be given an opportunity to contest the execution case.

In view thereof, this court is not inclined to interfere with the order impugned dated 2nd September, 2023.

CO 3463 of 2023 is disposed of without interfering with the order impugned but by requesting the learned Civil Judge (Junior Division), 2nd Court, Barrackpore to dispose of the execution

case expeditiously, without granting any unnecessary adjournments to either of the parties.

There shall be no order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(HIRANMAY BHATTACHARYYA, J.)