

18.1.2024
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Ct. no. 652
sb

**CO 3643 of 2023
(Assigned Matter)**

**Smt. Ajanta De
Vs.
Saibal Narayan Deb & Ors.**

Mr. Megnath Dutta
Mr. Arindam Paul
Mr. Subarno Banerjee ...for the Petitioner

This is an application under Article 227 of the Constitution of India where the petitioner has sought for expeditious disposal of the Misc. Case no. 81 of 2023 filed in connection with Ejectment Execution Case no. 131 of 2019 pending before the learned Judge, 3rd Bench, Presidency Small Causes Court, Calcutta.

It is submitted that the petitioner is a Septuagenarian senior citizen and she has initiated the aforesaid Misc. Case no. 81 of 2023 under Order XXI rule 97 of the Code of Civil Procedure seeking police assistance for execution of the writ of possession in pursuance of the eviction decree dated 8th December, 2017. He further submits that the Misc. Case as well as execution proceeding are pending for a considerable period of time. A direction may be given for expeditious disposal of the said

application as well as the execution proceeding invoking power of this court under Article 227 of the Constitution of India.

Since the prayer made by the petitioner is innocuous, and if any order is passed in terms of the prayer neither party will have a cause to prejudice, the service of copy of the application upon the opposite parties is hereby dispensed with.

Having considered the facts and circumstances of the case and that the prayer made by the petitioner is innocuous, and justified, C.O. 3643 of 2023 is disposed of with a direction upon the learned Judge, 3rd Bench, Presidency Small Causes Court, to dispose of the aforesaid Misc. Case no. 81 of 2023 along with Ejectment Execution Case no. 131 of 2019 as expeditiously as possible without giving any unnecessary adjournment to either of the parties preferably within a period of one month from the date of communication of the order.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)