

February 29, 2024  
Sl. No.29  
Court No.19  
s.biswas

CO 3860 of 2023

*Puspa Rani Das and others*

*vs.*

*Malina Nandan and others*

Mr. Debdeep Sinha

... for the petitioners

The petitioners are the decree holders who pray for expeditious disposal of the Misc. Case No.09 of 2020 and Misc. Case No.197 of 2018, filed in connection with Title Execution Case No.6 of 2014. It is submitted that the appeal filed by the judgment debtor has been dismissed. No second appeal has been preferred. No application under Section 47 of the Code has been preferred by the judgment debtors. The third parties have filed the misc. cases and they are resisting the execution of the decree.

Under such circumstances, this court is of the view that justice would be subserved, if the learned court below is directed to dispose of the misc. cases, on an urgent basis.

This court finds that unnecessary adjournments are being given.

This court has not gone into the merits of the misc. cases. An order for expeditious disposal of any litigation, enures to the benefit of all the parties. Hence, prior service of this revisional application upon the opposite parties, would not be necessary. The prayer is innocuous and very reasonable.

The revisional application is disposed of with a direction upon the learned court below to dispose of the misc. cases, within a period of four months from the next date fixed, without granting unnecessary adjournments to either of the parties and upon granting adequate opportunity to the opposite parties to contest the proceedings. The learned court below shall proceed strictly in accordance with law and independently.

The learned court is requested not to allow any further adjournments and dispose of the misc. cases as directed above and upon the result of the misc. cases, steps shall be taken up to expedite the Title Execution No.6 of 2014.

Petitioners are directed to serve a copy of this revisional application along with the server copy of this order upon the opposite parties.

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**