

07.05.2024
Sl. No.123(DL)
srm

C.O. No. 3965 of 2023

Sankar Prasad Das

Versus

Asit Mondal & Ors.

Mr. Ramprokash Banerjee

...for the Petitioner.

The petitioner is the decree-holder who prays for expeditious disposal of Misc. Case No.12 of 2021 as also Title Execution Case No.9 of 2010. The proceedings are pending before the learned Civil Judge (Junior Division), 1st Court at Baruipur, South 24-Parganas.

It appears that the petitioner has been languishing with the execution proceedings, in view of the pendency of the misc. case. There is already an earlier direction dated April 12, 2023 of the learned coordinate Bench of this Court for expeditious disposal of the misc. case within a period of three months. It is submitted that misc. case is yet to be disposed of.

Considering the submission, this Court is of the view that the prayer of the petitioner for early disposal of the proceeding, 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.

Under such circumstances, the revisional application is disposed of with a direction upon the learned court to dispose of the misc. case within a period of two months from the next date fixed, independently and strictly in accordance with law, upon allowing the parties to contest the proceeding. Thereafter, on the fate of the misc. case, the learned court shall proceed with the title execution case in accordance with law and make a sincere endeavour to dispose of the same within four months from the date of disposal of the misc. case. Unnecessary adjournments shall not be granted to any of the parties.

This Court has neither gone into the merits of the misc. nor into the merits of the title execution case.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)