

Item No.21
29.02.2024
Court. No. 19
GB

C.O. 3729 of 2022

Sikha Dutta & Anr.
Vs.
Deoraj Pandey

Mr. Pradyot Kumar Nandi

...for the Petitioners.

By this application, the decree-holders/petitioners seek expeditious disposal of an application under Order 21 Rule 97 of the Code of Civil Procedure, which is pending before the learned Judge, Xth Bench, City Civil Court at Calcutta, filed in connection with Misc. Case No.1167 of 2020.

It is submitted that no other applications are pending in the execution case. It is further submitted that the execution case has not been stayed by any superior forum.

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 Misc. case within a period of two 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 suit. 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.)