

Item No.288
03.01.2024
Court. No. 19
GB

C.O. 4170 of 2023

Satellite Electronics, represented by its
Proprietor, Soumitra Basu
Vs.
Chairman of Minosha India Ltd.

Ms. Amita Kaunda,
Mr. Anubrata Dutta

...for the Petitioner.

By this application, the petitioner seeks expeditious disposal of the Money Execution Case No.1 of 2017 which is pending before the learned Civil Judge (Senior Division), 2nd Court at Barasat.

It is submitted that the decree was passed sometime in 2016 and the decree-holder put the decree into execution. It is further submitted that the decree was never challenged by the judgment debtor. No application under Section 47 has been filed in connection with the money execution case.

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 party.

The revisional application is disposed of with a direction upon the learned court below, to dispose of the money execution 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 execution case. 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 party and/or the learned advocate contesting the matter on behalf of the opposite party in the learned court below.

The revisional application is accordingly disposed of.

However, there shall be no order as to costs.

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

(Shampa Sarkar, J.)