

27.03.2024
Ct. No. 19
Sl. No.88
Cp

C.O. No. 4259 of 2023

Mansur Ali Mallik & ors.
Vs.
Masiar Bewa & ors.

Mr. Sounak Bhattacharya
Mr. Sandip Das
Mr. Sounak Mondal
Mr. Anirban Saha Ray

.....for the petitioners.

As there is no caveat, the matter can be taken up for initial hearing.

In the opinion of this court, the only relief that can be granted to the petitioners is that the learned appellate court, namely, the learned Additional District Judge, Fast Track, 1st Court, Diamond Harbour be directed to dispose of the application for restoration of Title Appeal No. 79 of 2014 expeditiously, preferably within a month from the next date fixed.

It is made clear that rejection of the stay application was only on the ground that there was no appeal in existence. A stay could not be granted in the vacuum.

Thus, if the appeal is restored, the petitioners will be at liberty to pray for stay of the execution case and if such application is filed the learned court shall decide the same strictly on its merits and in accordance with law.

This court has not entered into the merits either of the appeal or the restoration application.

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.)