

03.01.2024
Sl. No.296(DL)
srm

C.O. No. 4346 of 2023

Smt. Ratni Devi Jain & Anr.

Versus

Beby Abeda & Ors.

Mr. Satadeep Bhattacharya,
Mr. Ratul Das,
Mr. Dyuti Sen

...for the Petitioners.

The petitioners pray for expeditious disposal of Misc. Case No.11 of 2000, arising out of Title Execution Case No.7 of 1960. It appears that an application under Order XXI Rule 97 of the Code of Civil Procedure is pending before the learned executing court since 2000.

24 years have lapsed since the pendency of the said misc. case. The Court is informed that the pendency was on account of a stay which was granted by this Court in another proceeding. It is informed that there is no impediment on the part of the learned court to dispose of Misc. Case No.11 of 2000 expeditiously.

Considering the submission, this Court is of the view that the prayer of the petitioners for early disposal of the proceedings, 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.

Under such circumstances, the revisional application is disposed of, with a direction upon the learned court below to dispose of the misc. case within a period of one month from the next date fixed, independently and strictly in accordance with law, upon allowing the parties to contest the proceeding. Upon disposal of the misc. case, if there is no further impediment on the part of the learned court below to continue with the title execution case, the court shall proceed in accordance with law and dispose of the same expeditiously.

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

A copy of the revisional application along with a server copy of this order be served upon the opposite parties within a week.

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.)