

04.01.2024
Sl. No.280(DL)
srm

C.O. No. 4452 of 2023

Sri Raj Guha & Anr.

Versus

Joydeep Bose

Mr. Chanchal Kumar Dutta,
Ms. Krishna Mullick

...for the Petitioners.

The petitioners, who are the decree-holders, pray for expeditious disposal of an application under Section 47 of the Code of Civil Procedure filed by the judgment-debtor, which has been registered as Misc. Case No.70 of 2017 and also for expeditious disposal of Title Execution No.113 of 2016.

The petitioners submit that due to the pendency of the said application, the title execution case is not progressing.

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. Hence, there is no requirement for service of prior notice upon the opposite party.

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 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 outcome of the misc. case, the learned court shall proceed in accordance with law with regard to the execution proceeding. Unnecessary adjournments shall not be granted to any of the parties.

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

A copy of the revisional application along with a server copy of this order be served upon the opposite party 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.)