

08.02.2024
Sl. No.37(DL)
srm

C.O. No. 4513 of 2023

Sampa Acharyya

Versus

Sri Malay Acgaryya

Mr. Dhiraj Trivedi,
Ms. Swapna Jha,
Mr. B.K. Singh,
Mr. Sunil Gupta

...for the Petitioner.

The petitioner seeks expeditious disposal of Title Execution Case No.33 of 2024, which is pending before the learned Civil Judge (Senior Division), 2nd Court at Barasat, North 24-Parganas.

Title Suit No.69 of 2007 was dismissed on December 15, 2016. Title Appeal No.6 of 2017 was preferred. By the judgment and decree dated July 3, 2019, the order of the learned trial Judge was affirmed. Second Appeal No.129 of 2022 was preferred before the High Court. The High Court passed a decree of eviction of the opposite party directing the opposite party to quit and vacate the suit property within two months from the judgement and decree dated June 30, 2023.

The petitioner submits that a Special Leave Petition from the said judgment and decree was preferred. Special Leave Petition was dismissed.

The learned court was requested for preponing the date of execution, but the same was not done. The petitioner prays for an order directing the learned executing court to dispose of the execution case expeditiously.

Considering the submission, this Court is of the view that the prayer of the petitioner for early disposal of the proceeding, 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 title execution case within a period of four months from the next date fixed, independently and strictly in accordance with law, upon allowing the parties to contest the proceeding. Unnecessary adjournments shall not be granted to any of the parties.

This Court has not gone 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 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.)