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22.01.2024
Ct. No.10
b.das

CO 4547 of 2023

Pijush Kumar Basak
Vs.
Nirmal Bhattacharjee

Mr. S. P. Chattopadhyay
Mr. Arjun Samanta
Mr. A. Chatterjee ...for the petitioner.

Since no caveat is lodged, heard learned counsel for the petitioner.

The petitioner seeks expeditious disposal of the title execution case no.35 of 2017 as well as misc. case no.48 of 2019 pending before the learned Civil Judge (Junior Division), 2nd Court, Barasat.

The plaintiff/petitioner was favoured with a decree for eviction and recovery of khas possession against the opposite party herein in a Title Suit being no.141 of 2013 pursuant to which the execution proceeding was filed.

The opposite party filed an application before the learned Trial Court under section 47 of the Code of Civil Procedure, being misc. case no.19 of 2021 which was dismissed by the learned Trial Court by an order passed on 8th February, 2022 as against which the opposite party filed a revisional application before this Court which was registered as CO 427 of 2002. The revisional application was dismissed by this Court by a judgment passed on 4th August, 2023.

Since the petitioner has prayed for expeditious disposal of the misc. case as well as execution case pending before the learned Trial Court, the opposite party shall not be prejudiced in the event the application is disposed of without service of notice upon him.

This revisional application is accordingly disposed of directing the learned Trial Court to dispose of the misc. case as well as execution case as expeditiously as the business of the Court would permit, preferably within three months from the date on which the matter shall appear next before the Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)