

CO 719 of 2025

Dr. H.P. Sharma (Harinandan Prasad Sharma)
vs.
Puspalata Manna

Ms. Gopa Das
Ms. Mita Ghosh (Das)
....for the Petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated 7th October, 2023 passed by the learned Civil Judge (Senior Division) Additional Court at Sealdah in Title Execution Case No. 19 of 2023 arising out of Title Suit No. 47 of 2016.

It is not in dispute that that the title suit was for eviction of the petitioner herein. The said suit was decreed. The decree was put into execution giving rise to title execution case No. 19 of 2023. The learned Executing Court by order dated 7th October, 2023 directed the Bailiff to execute the writ on 16th October, 2023 and deliver Khas and vacant possession of the decreetal property to the decree holder after breaking upon the padlock, if necessary.

From the order sheets appended to the civil revision application, it appears that the execution report was received and the decree was executed.

Learned advocate appearing for the petitioner submits that possession of the decreetal property was taken after breaking upon the padlock. He, however, submits that challenging

the eviction decree passed in the title suit, a title appeal has been filed. Since the decree has already been executed it will be open to the petitioner to take appropriate steps in accordance with the provisions of the Civil Procedure Code if the petitioner succeeds in getting the decree of eviction set aside. That apart, the order impugned is dated 7th October, 2023 and the civil revision application has been filed only on 26th February, 2025. The long delay in filing the civil revision has also not been explained in this revisional application.

For the above reasons, this Court is not inclined to interfere with the order impugned.

Accordingly, CO 719 of 2025 stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Hiranmay Bhattacharyya, J.)