

30-04-2025
Item no.35
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction

CO No.1480 of 2025
Sri Monoj Samanta
-vs-
Sri Raj Kumar Jana & Anr.

Mr. Jayak Kumar Gupta
Mr. Nandadulal Bandyopadhyay
Mr. Pranab Halder ...for the petitioner

Mr. Meghajit Mukherjee
Ms. Sonia Das ...for the opposite parties

This application under Article 227 of the Constitution of India is directed against an order dated April 1, 2025 passed by the learned Judge, 3rd Bench, Presidency Small Causes Court at Calcutta in Misc.Case No.75 of 2024.

By the order impugned, the learned judge of the executing court rejected the application for stay and fixed April 24, 2025 for hearing of the miscellaneous case on the point of maintainability.

Learned advocate for the petitioner submits that the opposite party is trying to evict the petitioner from the decretal property by way of executing the decree.

Learned advocate for the opposite parties submits that this court, by an order dated March 20, 2025 in CO No.987 of 2025, passed a direction upon the learned executing court to dispose of the pending miscellaneous case expeditiously and thereafter to proceed with the hearing of the title execution case. He, therefore, submits that the petitioner herein is protected by an order passed

by this court.

It is not in dispute that there was a direction passed in an earlier proceeding directing the learned executing court to dispose of Miscellaneous Case No.75 of 2024 expeditiously.

It is uniformly submitted by learned advocates for both the parties that on April 24, 2025 the hearing on the point of maintainability of the miscellaneous case has been concluded and that the matter has been reserved for necessary order.

In view thereof, CO No.1480 of 2025 stands disposed of by requesting the learned executing court to dispose of Miscellaneous Case No.75 of 2024 as expeditiously as possible. After disposal of the said miscellaneous case along with other pending miscellaneous case, if any, the execution case shall be taken up for hearing.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Hiranmay Bhattacharyya, J]

