

M/L- 3
05/05/2025
Ct. No.-6
Aritra

C.O. 1516 of 2025

**Shib Sankar Mondal & Ors.
Vs.
Sri Rabindra Nath Ghosh & Ors.**

Mr. S. Bhattacharya
Mr. Jamini Kanta Ghosh
....for the petitioners

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the execution case is proceeding in spite of the fact that this Hon'ble Court passed an order of stay of all further proceedings in the execution case.

From the order dated October 21, 2011 passed in AST No.1780 of 2011 which has been subsequently renumbered as CO 3619 of 2011, this Court finds that the execution proceeding was stayed only for a period of eight weeks from the date of passing of the said order i.e. from October 21, 2011.

Mr. Bhattacharya, learned advocate appearing for the petitioner, in his usual fairness, submits that the said order of stay was not extended subsequently.

In this application under Article 227 of the Constitution of India, the petitioners have challenged the order being No.105 dated October 8, 2024 and the order being No.107 dated March 1, 2025, both passed by the

learned Civil Judge (Jr. Div.), Garhbeta, District-Paschim Medinipur in Title Execution Case No.3 of 2008.

By the order dated October 8, 2024 the bailiff was directed to execute the writ during normal Court hours and file the report accordingly.

Since no order was passed by any Court of competent jurisdiction directing stay of further proceedings of the execution case, this Court is of the considered view that the learned Executing Court was right in directing issuance of the writ. By the order dated March 1, 2025, the learned Executing Court after receiving a report from the Nazareth Department found that the writ could not be executed due to lack of "Nishandar".

In view thereof, the learned Executing Court by an order dated March 1, 2025 directed reissuance of the writ and fixed April 20, 2025 for execution of the writ.

As observed hereinbefore there is no order of stay of the execution case. Accordingly, the learned Execution Court was right in directing issuance of the writ.

For such reason, this Court is not inclined to interfere with the order impugned. In view thereof, CO 1516 of 2025 stands disposed of.

There will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)