

CO 1467 of 2024**Md. Israil & Anr.****Vs.****J.C. Tigga, since deceased, and his legal heirs
Alphonsa Bhengra Nee Tigga & Ors.**

Mr. Aniruddha Chatterjee,
Md. Mohiuddin,
Mr. Debabrata Roy,
Md. Shahminhajuddin

...for the Petitioner

Mr. Francis Samson Corre
Mr. Sunny Nandy,
Mr. Rajat Sengh

...for Respondent No. 8

Learned advocates for the parties are present.

Let the affidavit of service filed in Court be
kept with the record.

This application is directed against the order dated February 13, 2024, passed by the learned Civil Judge (Jr. Division), 6th Court, Alipore, South 24 Parganas in Title Execution 15 of 1983, whereby the learned Court directed the decree holder / petitioner to cause service of notice upon transferor of suit property forming subject matter of Decree and the Judgment Debtors and staying the execution till the Judgment Debtors were heard.

The petitioners in this revisional application

have challenged only the stay of Execution Proceedings.

Learned Executing Court by an order dated April 3, 2024, was pleased to reject the application for recall and fixed on April 26, 2024, for taking steps by decree holder.

Learned advocate for the petitioners submits that the petitioner in terms of the liberty granted by this Court by order dated September 23, 2024, has caused service upon the heirs of the deceased judgment debtors. Learned advocate prays for expeditious disposal of the execution case. The judgment debtors, in terms of the order dated February 13, 2024, passed by the learned Executing Court, are served except one judgment debtor could not be served. Although the envelope is returned as not found, according to the petitioner / decree holder, it is a good service. This issue is left open to the learned Executing Court to accept the service or to dispense with the same. As nothing remains to be decided in this revisional application, this application is disposed with the request upon the learned Executing Court being 6th Court of Civil Judge (Jr. Division),

Alipore, South 24 Parganas to dispose Title Execution 15 of 1983, which is pending for a period of 42 years expeditiously and preferably within a period of six weeks from the next date fixed.

During this period of six weeks, in the event, the judgment debtors are ready and willing to accept the decree, they may comply the same, if required, they may seek extension before learned Executing Court, for compliance.

Accordingly, this revisional application stands disposed.

It is hereby made clear that this Court has not gone into the merits of the case. All points are kept open to be advanced before the learned Executing Court.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Biswaroop Chowdhury, J.)