

Court No. 6
(265719)

11.06.2025
(AD 11)
(S. Banerjee)

CO 1796 of 2025

Ashwini Kumar Maity
Vs.
Subrata Guchhait & Ors.

Ms. Malaysree Maity
Mr. Nishant Kumar

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the decree-holder and is directed against the order being no. 129 dated March 27, 2025 passed by the learned Civil Judge (Jr. Division) 2nd Court at Tamluk in Judicial Miscellaneous Case No. 7 of 2024. By the order impugned the Title Execution Case No. 9 of 1993 was stayed till the disposal of the Judicial Miscellaneous Case No. 7 of 2024.

The learned advocate appearing for the petitioner submits that the miscellaneous case is absolutely a frivolous one and the same should be dismissed by this court. However, considering the fact that the miscellaneous case has been filed, the same is required to be disposed of in accordance with law.

The Executing Court was right in staying the further proceeding of the title execution case and fixing a date of hearing of the miscellaneous case.

In view thereof, CO 1796 of 2025 stands disposed of by requesting the learned Civil Judge (Jr. Division) 2nd Court at Tamluk to take up the hearing of the miscellaneous case on the next date fixed, if the same is otherwise ready for hearing, and make and endeavour to dispose of the same as expeditiously as possible, preferably within a period of three months from the next date fixed, without granting any unnecessary adjournment to either of the parties.

(Hiranmay Bhattacharyya, J.)