

Sl.30
23.05.2025
Court No.6
BP

C.O. 1854 of 2025

Sri Abhijit Mondal @ Avijit Mondal & Anr.
-versus-
Sri Swarup Maji @ Majhi & Anr.

Mr. Sanjoy Bhattacharya
Mr. Sandipan Maity
... for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the decree holder praying for a direction upon the learned Civil Judge (Junior Division), 2nd Court, Uluberia, Howrah to dispose of Title Execution Case No. 13 of 2016 expeditiously.

From the order-sheets appended to this civil revisional application this Court finds that Misc. Case being No. 43 of 2023 arising out of the said title execution case is pending.

On a query of the court the learned advocate appearing for the petitioner, in his usual fairness, submits that the said application was filed by the opposite party under the provisions of Order 21 Rule 97, 98, 99, 100 and 101 of the Code of Civil Procedure.

In view thereof, this Court is of the considered view that the said miscellaneous case is required to be disposed of prior to disposal of the execution case.

In view of the order sought and proposed to be passed, there is no necessity to issue notice upon the opposite parties. However, the learned advocate appearing for the petitioner shall be obliged to forward a copy of this application along with this order upon the opposite parties or upon the learned advocates representing them before the executing court.

In view of the reasons as stated hereinbefore, C.O. 1854 of 2025 stands disposed of by requesting the learned Civil Judge (Junior Division), 2nd Court, Uluberia, Howrah to make an endeavour to dispose of the Miscellaneous Case No. 43 of 2023, if the same is otherwise ready for hearing, as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

After disposal of the said miscellaneous case and any other miscellaneous case that may be pending in connection with the title execution case, the learned executing court shall make an endeavour to dispose of the title execution case expeditiously.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)