

24.06.2025
Item no. 31.
Court No.6.
AB

C. O. 1937 of 2025

**Indian Church Trustees
Vs
Blue View Promoters Pvt. Ltd. & Anr.**

Mr. Siddhartha Banerjee,
Ms. Sony Ojhafor the Petitioner.

Mr. Jishu Chowdhury, Sr. Adv,
Mr. Aritra Basu,
Mr. Souradeep Banerjee
Ms. Sanjana Sinhafor the Opp. Parties.

Affidavit of service filed in Court today be taken
on record.

This application under Article 227 of the
Constitution of India is at the instance of the decree
holder and is directed against an order dated January
8, 2025, passed by the learned Civil Judge (Sr.
Division), 2nd Court at Alipore in Misc. Case No.4 of
2025 filed in connection with Title Execution Case
No.102 of 2022.

By the order impugned, the further proceeding
of the execution case was stayed.

Mr. Banerjee, learned advocate appearing for the
petitioner submits that the opposite parties herein are
enjoying only a portion of the decreetal property and
the learned Executing Court ought not to have stayed
the title execution case in its entirety.

It appears that the miscellaneous case under
Order 21 Rules 97, 98, 99, 100 and 101 of the Code of

Civil Procedure has been filed being Misc. Case No.4 of 2025 and the same is still pending.

This Court, therefore, is of the considered view that the ends of justice will be sub served if the learned Civil Judge (Sr. Division), 2nd Court at Alipore is requested to dispose of the said misc. case expeditiously.

Learned advocate for the opposite parties submits that the written objection to the misc. case as well as the pending application filed in connection therewith have not yet been filed.

Mr. Banerjee, learned advocate for the petitioner submits that such objections, if not already filed, will be filed within a week from date.

The Civil Judge (Sr. Division), 2nd Court at Alipore is requested to make an endeavour to dispose of the misc. case no.4 of 2025, after the same is made ready for hearing, as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

Mr. Banerjee learned advocate for the petitioner submits that the opposite parties are enjoying only a portion of the decreetal property and the petitioner may be permitted to proceed with the execution case in respect of the balance portion of the decreetal property.

It will be open to the petitioner to take appropriate steps in accordance with law before the learned Executing Court.

Mr. Banerjee raises an objection as to the maintainability of the misc. case. The petitioner will be at liberty to raise all points at the time of hearing of the said misc. case in accordance with law.

C. O. No.1937 of 2025 is disposed of.

(Hiranmay Bhattacharyya, J.)