

D/L- 24
22/07/2025
Ct. No.-6
Aritra

C.O. 2596 of 2025

**Jayanta Chakraborty & Ors.
Vs.
Nilima Mallick & Ors.**

Mr. Ganesh Shrivastava
Mr. Sukanta Das

...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 (Jr. Div.), 2nd Court at Sealdah to dispose of Miscellaneous Case No.76 of 1999 arising out of Title Execution Case No.10 of 1996 expeditiously.

The learned advocate appearing for the petitioners submits that the petitioners obtained a decree for eviction which was put into execution giving rise to Title Execution Case No.10 of 1996. He further submits that the predecessor-in-interest of the opposite parties herein filed an application under Order 21 Rule 97 to 101 of the Code of Civil Procedure which was registered as Miscellaneous Case No.76 of 1999. He further submits that the miscellaneous case is pending from the year 1999.

In view of the order sought and proposed to be passed there is no necessity to direct issuance of any notice upon the opposite parties. However, the learned advocate for the petitioner shall be obliged to forward a

copy of this application along with this order upon the opposite parties or the learned advocates representing the opposite parties before the learned trial judge.

From the order sheets appended to this application, this Court finds that August 5, 2025 has been fixed for acceptance of show-cause.

In the light of the submissions made by the learned advocate for the petitioner, CO 2596 of 2025 stands disposed of by requesting the learned Civil Judge (Jr. Div.), 2nd Court at Sealdah to take up the hearing on the acceptance of show-cause on the next date fixed i.e. on August 5, 2025 and to proceed thereafter in accordance with law. Depending on the fate of the hearing on the point of acceptance of the show-cause, learned Civil Judge (Jr. Div.), 2nd Court at Sealdah shall make an endeavour to dispose of Miscellaneous Case No.76 of 1999 as expeditiously as possible without granting any unnecessary adjournments to either of the parties keeping in mind that the miscellaneous case is pending from the year 1999.

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.)