

D/L- 24
06/08/2025
Ct. No.-6
Aritra

C.O. 2764 of 2025

**Sri Chaturbhuj Pandey & Ors.
Vs.
Veer Vikram Bahadur Singh & Anr.**

Mr. Rahul Karmakar
Mr. Lutful Haque
Ms. Taharima Khatun

...for the petitioners

Mr. Ritwik Choudhury

....for the opposite parties

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 (Sr. Div.), 1st Court at Alipore to dispose of Title Execution Case No.5 of 2016 expeditiously.

Mr. Karmakar, learned advocate appearing for the petitioner submits that an application under Section 47 of the Code of Civil Procedure being Miscellaneous Case No.203 of 2024 is pending.

The opposite party No.1 is represented by his learned advocate. He submits that the petitioners herein have put the *ex parte* decree into execution by filing a Title Execution Case No.5 of 2016. He further submits that the opposite party filed an application under Order 9 Rule 13 of the Code of Civil Procedure for setting aside the said *ex parte* decree which unfortunately stood dismissed for default and for restoration of the same the opposite party has filed another miscellaneous case. He

submits that the application under Section 47 of the Code of Civil Procedure being Miscellaneous Case No.203 of 2024 is also pending.

In the light of the submissions made by the learned advocates for the respective parties, CO 2764 of 2025 stands disposed of by requesting the learned Civil Judge (Sr. Div.), 1st Court at Alipore to make an endeavour to dispose of the other pending miscellaneous cases as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

Mr. Karmakar, learned advocate appearing for the petitioner submits that the application under Section 47 of the Code of Civil Procedure may be taken up first and decided prior to the other miscellaneous cases.

It will be open to the petitioner herein to make such prayer before the learned Executing Court. If such a prayer is made the learned Executing Court shall consider the same in accordance with law.

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.)