

19.08.2025
Item No.6
KS
Ct. No.446

C.O. 2840 of 2025
Bagrees Cereals Private Limited
Versus
Hanuman Millings Enterprise Private Limited

Mr. Sagar Bandyopadhyay, Sr. Adv.
Mr. Safdar Azam
Mr. P. Dey
Mr. Jyotirmoy Talukdar

.....For the Petitioner

1. This is an application under Article 227 of the Constitution of India filed for expeditious disposal of the execution case being, Misc. Case No.12 of 2011 pending before the learned Trial Court.
2. It is submitted that the petitioner being the recorded absolute owner in respect of the suit property filed a suit against the tenant in respect of his place measuring about 23,725 sq. ft. together with the land measuring an area of 23,490 sq. ft at the premises at a monthly rental of Rs.2,500/- if the said suit was decreed *ex parte* on 23rd October, 2009. Subsequently, the execution proceeding was initiated in the year 2010. However, several Misc. cases had been filed by the various persons claiming to be in occupation of the said shop room. In order to expedite the proceeding, one revisional application was filed before the High Court and by an order, the matter was taken up by a Coordinate Bench of this Court.
3. Considering that the application under Order 21 Rule 97, 98 and 100, 101 of the Code of Civil Procedure has been filed for

adjudication of its right, title and interest in respect of the decreetal premises and in course of the said proceeding, the executing court recorded in two of its order that execution case would be taken up after disposal of the said application.

4. The Hon'ble Court, without entering into the points agitated, was of the view that the further direction to the learned Trial Court to dispose of the application under Order 21 Rule 101 of the Code of Civil Procedure as expeditiously as possible without granting any unnecessary adjournment to either of the parties preferably within a period of three months from the date of communication of the said order.
5. It is submitted by the learned advocate appearing for the petitioner that the said application is still pending on various grounds and the present petitioner being the decree holder is still fighting for having its rightful possession over the same.
6. Heard the submission and considering the materials on record and the long pendency of the execution application.
7. Pursuant to the mandatory direction of the Hon'ble Supreme Court passed in the case of *Rahul S Shah Vs Jinendrakumar Gandhi* reported in (2021) 6 SCC 418 and *Periyammal (Dead) Through LRS & Ors. Vs. V. Rajamani & Anr.* whereby the specific direction has been given to the executing court to dispose of the execution application within a period of six months.

8. It is undisputed that on the earlier occasion, a time period of three months was framed by the Hon'ble Court has not been followed and the matter is pending since long and more than eight to nine years have passed in the meantime.
9. Therefore, the learned executing court must act promptly and without granting any unnecessary adjournment after following the decisions as above, will make all endeavour to dispose of the execution case especially the application, as directed by the Co-ordinate Bench of this Court.
10. In view of that, revisional application stands allowed and disposed of.
11. It is made clear that since this order has been passed without causing any service upon the opposite party.
12. Since no affidavit is called for, all the allegations levelled in this revisional application shall not be deemed to have been admitted by the opposite parties.
13. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.
14. Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(CHAITALI CHATTERJEE (DAS), J.)