

22.09.2025

Item No. 06

Crt.No.6

b.r.

C.O. 3376 of 2025

Smt. Jyotsna Mullick & Ors.

-vs-

Manoj Kumar Dutta & Anr.

Mr. Debjit Mukherjee

Mr. Anirban Pal

..... for the petitioners.

This is an assigned application.

The last order dated **September 18, 2025** speaks for itself.

None appears for the opposite parties.

Mr. Debjit Mukherjee, learned counsel appearing for the petitioners has drawn attention to the order impugned dated **August 2, 2025** which has been passed in **Misc. Case No. 10437 of 2025** arising out of **Title Execution Case No. 77 of 2018**. The Misc. Case has been filed under the provisions of **Rule 101 of Order XXI read with Section 151 of the Code of Civil Procedure**.

Under the impugned order, the records of the **Title Execution Case No. 77 of 2018** has been called for, for the purpose of hearing of the Misc. Case.

Mr. Mukherjee submits that the original Title Suit had been decreed in favour of his clients on

August 31, 2018 and since the decree remained unsatisfied, his clients have proceeded in the execution case.

Considering the submissions made on behalf of the petitioners and considering the nature of the order impugned, this Court is of the considered view that justice would be sub-served if the hearing of the Misc. Case is expedited.

In view of the above, the jurisdictional Civil Court is requested to conclude the hearing and pass its reasoned decision in **Misc. Case No. 10437 of 2025** as expeditiously as possible but preferably within a period of **six months** from the date of communication of this order.

Mr. Mukherjee's clients have already filed written objection. If the opposite party/applicant intends to file its reply, it may do so within **seven days** from the date of communication of this order, if not filed already.

Learned advocate on record for the petitioners shall communicate this order to opposite party, who is applicant in the said Misc. Case i.e., opposite party no.2 herein.

It is made clear that this Court has not gone into the merits of the **Misc. Case** and the parties shall

be at liberty to urge all their points before the jurisdictional Civil Court.

With the above observations and directions, this **C.O. 3376 of 2025** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)