

D/L- 45
24/09/2025
Ct. No.-6
Aritra

C.O. 3544 of 2025
Smt. Sankari Banerjee
Vs.
Smt. Hasi Dasgupta & Ors.

Mr. Debanik Banerjee
Mr. Nilanjan Bhattacharya

....for the petitioner

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.) at Bidhannagar to dispose of the Miscellaneous Case No.34 of 2023 arising out of Title Execution Case No.4 of 2021 expeditiously.

The learned advocate appearing for the petitioner submits that the judgment debtor/opposite parties herein filed a miscellaneous case under Order 21 Rule 97 of the Code of Civil Procedure being Miscellaneous Case No.34 of 2023. He submits that the written objection in the miscellaneous case has not yet been filed.

In view of the order sought and proposed to be passed this Court feels that 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 executing court.

From the order sheets appended to this application this Court finds that November 1, 2025 has been fixed for hearing of the recalling application.

The learned advocate for the petitioner submits that the recalling application has been disposed of and the miscellaneous case is only pending.

In the light of the submission made by the learned advocate for the petitioner, CO 3544 of 2025 stands disposed of by requesting the learned Civil Judge (Jr. Div.) at Bidhannagar to take up the hearing of the Miscellaneous Case No.34 of 2023 on the next date fixed, if the same is otherwise ready for hearing and to make an endeavour to dispose of the same as expeditiously as possible but preferably within a period of 4 months from the next date fixed without granting any unnecessary adjournments to either of the parties. After disposal of the miscellaneous case and/or any other miscellaneous cases that may be pending the learned Judge of the Executing Court is requested to dispose of the execution case expeditiously.

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.)