

Court No. 6
(265719)

02.08.2025
(AD 23)
(S. Banerjee)

CO 3359 of 2024

Sultan Ahmed
Vs.
Mahaboob Alam & Ors.

Mr. Bratin Kumar Dey
Ms. Anjana Banerjee
Mr. Subhankar Banerjee

...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. Division), 2nd Court at Sealdah to dispose of the Miscellaneous Case no. 38 of 2016 and Misc. Case No. 2 of 2017 expeditiously.

Mr. Dey, learned advocate appearing for the petitioner submits that Misc. Case No. 38 of 2016 was filed by the opposite parties under the provisions of Order 21 Rule 97 to 101 of the Civil Procedure Code. He further submits that in spite of repeated directions being passed by this Hon'ble Court, no further progress in the hearing of such application has been made. He, however, submits that Misc. Case No. 38 of 2016 is at the argument stage.

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-on-record of the petitioner shall be obliged to forward a copy of this application along with this order, upon the opposite parties or upon the learned advocate representing them before the learned trial judge.

In the light of the submissions made by the learned advocate appearing for the petitioner and taking into note of the fact that on repeated occasions directions were passed upon the learned executing court to dispose of the Misc. Case no. 38 of 2016, the learned Civil Judge (Jr. Division), 2nd Court at Sealdah is requested to dispose of the Misc. Case No. 38 of 2016 as expeditiously as possible, preferably within a period of three months from the next date fixed without granting any unnecessary adjournment to either of the parties. The learned executing court is requested to proceed with the Misc. Case NO. 2 of 2017 and make an endeavour to dispose of the same as well as the execution case as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

With the above observations, CO 3359 of 2024 stands disposed of.

(Hiranmay Bhattacharyya, J.)