

17.11.2025
Ct. No. 06
Sl. No.30
Cp

C.O. No. 3907 of 2025

Indian Oil Corporation Limited
Vs.
Shyamal Kishor Biswas @ Shyamal Kumar Biswas
& Ors.

Mr. Amit Kumar Nag
Mr. Partha Banerjee
Ms. T. Bhattacharya

.....for the petitioner.

Mr. Sibnath Ganguly
Mr. Argha Banerjee

.....for the opposite parties.

This court does not find any reason to interfere with the order dated November 1, 2025, passed by the learned Civil Judge (Senior Division), Sealdah. The learned executing court proceeded with the execution case being Title Execution Case No.16 of 2023, in view of the fact that there was no order of stay of the execution by a superior court.

It appears that an appeal is pending before the learned Additional District Judge, Fast Track, 2nd Court, Sealdah and the application under Section 5 of the Limitation Act has been fixed for hearing by the learned appellate court on November 21, 2025. The learned executing court, upon relying on the decision of the Hon'ble Apex Court in the matter of ***Periyammal (Dead) vs. V. Rajamani and Another (2025) 9 SCC 568*** held

that all execution cases should be disposed of within six months compulsorily, unless and until an appropriate stay order was passed by the appellate court.

This court does not find any illegality in the order impugned. The petitioner is at liberty to approach the learned appellate court for expeditious disposal of the application for condonation of delay and, thereafter if such delay is condoned, pray for expeditious hearing of the application for stay of the judgment and decree, at least, on the point of ad interim order of stay.

It is submitted that the learned Additional District Judge, Fast Track, 2nd Court, Sealdah was repeatedly directed by the High Court to expeditiously dispose of the proceeding but the learned court has not done so.

The petitioner is granted liberty to press for an urgent hearing, in the view of the pending execution which is proceeding expeditiously.

The relevant portion of the decision of the Hon'ble Apex Court relied on by the learned executing court is quoted below: -

“74. The mandatory direction contained in Para 42.12 of Rahul S. Shah (supra) requiring the execution proceedings to be completed within six months from the date of filing, has been reiterated by this Court in its order in Bhoj Raj Garg v. Goyal Education and Welfare Society & Ors., Special Leave Petition(C) Nos. 19654 of 2022.

75. In view of the aforesaid, we direct all the High Courts across the country to call for the necessary information from

their respective district judiciary as regards pendency of the execution petitions. Once the data is collected by each of the High Courts, the High Courts shall thereafter proceed to issue an administrative order or circular, directing their respective district judiciary to ensure that the execution petitions pending in various courts shall be decided and disposed of within a period of six months without fail otherwise the concerned presiding officer would be answerable to the High Court on its administrative side. Once the entire data along with the figures of pendency and disposal thereafter, is collected by all the High Courts, the same shall be forwarded to the Registry of this Court with individual reports.”

The revisional application is accordingly disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)