

08.05.2025
Court No.09
Item No.06
Cp

RVW 357 of 2024
In
C.O. 2165 of 2023

HRG Trading Private Limited
Vs.
Kishan Lal Agarwal

Mr. Birendra Kumar Jha,
Mr. Manish Patra

..... for the applicant.

Mr. Shounak Mukhopadhyay,
Mr. Vishwarup Acharyya

.....for the respondent.

1. Learned advocate for the applicant in this review application and the learned advocate for the respondent/decreed holder are present.
2. Heard the learned advocates for both the parties.
3. The applicant has filed this review application on the ground that the order dated October 7, 2024, passed in C.O. 2165 of 2023 has recorded Misc. Case No. 35 of 2021 in the last but one paragraph instead of Misc. Case No. 54 of 2021. Learned advocate submits that when both the cases are to be heard analogously, it should be the title execution case filed by the opposite party/decreed holder and the case under Order 9 Rule 13 of the C.P.C., filed by the applicant of this review application. Thus, it ought not to be Misc. Case No. 35 of 2021, it should be Misc. Case No. 54 of 2021.

4. Learned advocate for the opposite party/decreed holder submits that on the petition of the decreed holder being C.O. 2165 of 2023, this order was passed against the order of the learned trial court and thus, it is not passed at the instance of the applicant/judgment debtor. Learned advocate submits that both the Title Execution Case No. 2 of 2019 as well as Misc. Case No. 54 of 2021 being an application under Order 9 Rule 13 C.P.C. and Misc Case No. 35 of 2021 were taken up on the same dates but the judgment debtor had sought adjournments on numerous occasions.
5. Upon hearing the learned advocates for the respective parties and considering the facts of the case, it is clarified that the Title Execution Case No. 2 of 2019, Misc. Case No. 35 of 2021 as well as Misc. Case No. 54 of 2021 shall appear on the same dates before the learned trial court and be taken up analogously.
6. It is also hereby clarified that this Court has neither entered into the merits of the order dated October 7, 2024 nor entered into the conditions imposed earlier with regard to payment of occupancy charge.
7. As this execution case is pending from 2019, learned Executing Court shall dispose it of

expeditiously by keeping the matters on the same date without granting any unnecessary adjournments. The matter may be disposed of at an early date, preferably within a period of one month from the next date fixed.

8. It is hereby clarified that in the event the regular court is not available, the matter may be taken up by the charge court.
9. Accordingly, the review application is disposed of.

(Biswaroop Chowdhury, J.)