

M/L- 210
31/07/2025
Ct. No.-6
Aritra

C.O. 4276 of 2024

**Asrafa Khatun (Begum) @
Asrafa Begum & Ors.
Vs.
Md. Alim**

Mr. Abdus Salam

...for the petitioners

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.), 2nd Court at Birbhum to dispose of Title Execution Case No.5 of 2013 expeditiously.

From the order sheets appended to this application, this Court finds that Miscellaneous Case No.36 of 2023 is also pending.

The learned advocate appearing for the petitioner submits that the opposite party herein filed the said miscellaneous case under the provisions of Section 47 of the Code of Civil Procedure.

In view of the order sought and proposed to be passed there is no necessity to direct issuance of any notice upon the opposite party. However, the learned advocate for the petitioner shall be obliged to forward a copy of this application along with this order upon the opposite party or the learned advocates representing the opposite party before the learned trial judge.

In the light of the submission made by the learned advocate for the petitioner, CO 4276 of 2024 stands disposed of by requesting the learned Civil Judge (Jr. Div.), 2nd Court at Birbhum to make an endeavour to dispose of Miscellaneous Case No.36 of 2023 as expeditiously as possible without granting any unnecessary adjournments to either of the parties. Depending on the fate of the said miscellaneous case, the learned Executing Court shall proceed with the hearing of the Title Execution Case No.5 of 2013 and make an endeavour to dispose of the same 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.)