

CO. 751 of 2026

18.03.26
D/L
SI-05
Ct. 06
(Samar)

Shri Inderraj Agarwal & Ors.
V.
Punit Awasthi & Ors.

Ms. Labanyashree Sinha,
Ms. Rishika Goyal

... for the petitioner.

1. This revisional application seeks expeditious disposal of Title Execution Case No. 4 of 2009 pending before the learned Civil Judge (Senior Division), 3rd Court at Paschim Medinipur.
2. Ms. Sinha, learned advocate appearing for the petitioners submits that the petitioners had filed a suit for eviction being Title Suit No. 89 of 2006, which was decreed on September 23, 2008. The said decree was put into execution by filing Title Execution Case No. 4 of 2009.
3. In the said Title Execution Case, the opposite party no. 1 filed an application under Order 21 Rule 58 of the Code of Civil Procedure, 1908. Such application was dismissed on July 26, 2017. Assailing the said order, Misc. Appeal No. 63 of 2017 has been filed before the learned District Judge, Paschim Medinipur. The same is pending.
4. It is submitted by the learned advocate appearing for the petitioners that the Executing Court's records have been called for by the learned District Judge for the purpose of hearing of the said Misc.

Appeal No. 63 of 2017 and as such the learned Executing Court is unable to proceed with the execution case despite there being no order of stay over the execution case.

5. In view of the nature of the order proposed to be passed, prior service of notice of the revisional application along with a notice is not being directed, however, the petitioners shall remain obliged to serve a copy of the revisional application along with a copy of this order upon the opposite parties within a week from date.
6. Having heard the learned advocate appearing for the petitioners and having perused the material on record, this revisional application is disposed of by requesting the learned Executing Court i.e. learned Civil Judge (Senior Division), 3rd Court at Paschim Medinipur to dispose of Title Execution Case No. 4 of 2009 as expeditiously as possible and preferably within a period of one month from date of receipt of the execution case records from the appellate court without granting any unnecessary adjournment to either of the parties.
7. CO 751 of 2026 stands disposed of with the above observations. No Costs.
8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)

