

CO. 858 of 2026

18.03.26
D/L
SI-10
Ct. 06
(Samar)

Shri Inderraj Agarwal & Ors.
V.
Om Prakash Pandey & Ors.

Ms. Labanyashree Sinha,
Ms. Rishika Goyal

... for the petitioner.

1. This revisional application seeks expeditious disposal of Misc. Appeal No. 63 of 2017 pending before the learned District Judge, 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, the said opposite parties approached the court of the learned District Judge, Paschim Medinipur by filing Misc. Appeal No. 63 of 2017 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 Appellate Court

for the purpose aforesaid appeal (Misc. Appeal No. 63 of 2017) by reason whereof, the learned executing court is unable to proceed with 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 District Judge, Paschim Medinipur to dispose of Misc. Appeal No. 63 of 2017 as expeditiously as possible and preferably within a period of two months from the next date fixed without granting any unnecessary adjournment to either of the parties.
7. The learned Appellate Court shall, if possible, also endeavour to device a suitable mechanism so as to provide the records to the learned Executing Court so that the Execution Case being Title Execution Case No. 4 of 2009 pending before the learned Civil Judge (Senior Division) 3rd Court at Paschim Medinipur can proceed, if, in case, the appeal remains pending and there is no stay in the

appellate proceedings.

8. CO 858 of 2026 stands disposed of with the above observations. No Costs.
9. 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.)