

CO. 871 of 2026

18.03.26
D/L
SI-12
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 Civil Revision No. 01 of 2018 pending before the learned Additional District Judge, RD-Court, 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. In the said Title Execution Case, the opposite party no. 1 filed an application under Order 21 Rules 97 and 101 of the Code of Civil Procedure, 1908 which was registered as J. Misc. Case No. 161 of 2017. The said J. Misc. Case was dismissed by an order dated November 15, 2017.
3. Assailing the said order, the opposite party no. 1 approached the learned District Judge, Paschim Medinipur by filing Civil Revision Case No. 01 of 2018 under Section 115 of the Code. The said Civil Revision No. 01 of 2018 has been transferred by the

learned Additional District Judge, Paschim Medinipur to the court of the learned Additional District Judge, RD Court, Paschim Medinipur.

4. It is submitted that although an order calling for the records of the execution case have been passed in the said Civil Revision, such records have not yet reached the said court, since the same are with the learned District Judge, Paschim Medinipur in connection with the Misc. Appeal No. 63 of 2017 which has been filed by the same person i.e. the opposite party no. 1 assailing an order dated July 16, 2017 whereby the opposite party no.1's application under order 21 Rule 58 of the Code was dismissed.
5. In the peculiar fact situation, this court of the view that instead of directing expeditious disposal the Civil Revision No. 1 of 2018 which is dependant upon the arrival of the execution case records from the court of the learned District Judge (who is in seisin) of Misc. Appeal No. 63 of 2017, it would be proper to grant liberty to the petitioner to approach the learned District Judge, Paschim Medinipur with an application under Section 24 of the Code of Civil Procedure, 1908 praying for transfer of Civil Revision No. 01 of 2018 from the court of the learned Additional District Judge, RD Court, Paschim Medinipur to the Court of the learned District Judge itself where Misc. Appeal No. 63 of

2017 (between the same parties) is pending. That would obviate the requirement of the records being sent back and forth from the Court of the learned District Judge to the Court of the learned Additional District Judge, RD Court, Paschim Medinipur.

6. If such application is made by the petitioner, the learned District Judge shall consider and dispose of the same as expeditiously as possible and preferably within a month of filing of such application. Needless to reiterate that this direction is being made for the learned District Judge to consider the desirability of transferring the aforesaid Civil Revision Case being Civil Revision No. 01 of 2018 to the Court of the learned District Judge itself and decide the same along with Misc. Appeal No. 63 of 2017 which is pending before the learned District Judge.
7. CO 871 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.)