

N.22Sl
151/CL

CO 1251 of 2026

Netai Naskar
v.
Prabir Makhai & Anr.

30.04.26
DL-27
Ct-06
(S.R.)

Mr. Nirmalendu Bera, Adv.

... for the petitioner.

1. This revisional application seeks expeditious disposal of Misc. Case No.58 of 2024 arising out of Title Execution Case No.21 of 2019 pending before the learned Civil Judge (Junior Division), 2nd Court at Baruipur, South 24-Parganas.
2. The petitioner had instituted Title Suit No.82 of 2014 for recovery of khas possession of the suit property, mandatory injunction and mesne profit. Such suit was decreed *ex parte* on February 25, 2019. The decree has been put into execution by filing Title Execution Case No.21 of 2019. In the said execution case, the opposite party no.2 filed an application under Order 21 Rule 97 read with Rules 98 to 102 of the Code of Civil Procedure, 1908, which has been registered as Misc. Case No.58 of 2024. In the said miscellaneous case an application for stay of execution case being Title Execution Case No.21 of 2019 had been filed, which was disposed of by an order dated November 1, 2025 thereby staying the execution case till the

disposal of Misc. Case No.58 of 2024.

3. The petitioner being the decree holder is aggrieved by the long pendency of the miscellaneous case and the consequent stalling of the execution case.
4. In view of the nature of the order proposed to be passed, prior service of the revisional application along with a notice is not being directed, however, the petitioner 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.
5. Having heard the learned advocate appearing for the petitioner and having considered the material on record, this revisional application is disposed of by requesting the learned Civil Judge (Junior Division), 2nd Court at Baruipur, South 24-Parganas to dispose of Misc. Case No.58 of 2024 as expeditiously as possible and preferably within a period of three months from the next date fixed without granting any unnecessary adjournment to either of the parties.
6. With the aforesaid observations, CO 1251 of 2026 stands disposed of. No costs.
7. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)

