

13.01.2026
Item No.29
BR

CO 2519 of 2024
Aninda Sundor Basu (Bose) and Ors.
-vs-

Arati Palit and Ors.

Mr. Sounak Bhattacharya,
Mr. Satyam Mukherjee,
Mr. Purnendu Shekhar Ghosh
... for the petitioner

Mr. Srijib Chakraborty,
Mr. Washim Akter Dafadar
... for the O.Ps

1. The revisional application has been preferred praying for Expeditious hearing of the Title Execution Proceeding being Title Execution Case No. 08 of 2019 including Misc. Case No. 24 of 2020 pending before the learned Civil Judge, Senior Division, 2nd Court at Barasat, North 24 Parganas.
2. Learned counsel for the opposite party places a copy of the document showing that the second appeal being S.A. 166 of 2019 against the said decree of which execution has been prayed for is pending before the Hon'ble Court.

3. Learned counsel for the petitioner submits that the appellant after filing the second appeal is not diligent in getting the matter heard and the decree being an eviction decree, the petitioner is being prejudiced.
4. It is submitted by the petitioner that there is no stay order in the second appeal and as such there is no embargo on the trial Court from proceeding with the disposal of the execution case. But considering that a second appeal is pending before the Hon'ble Court, the trial, Court is also hesitant in proceeding with the execution case.
5. Considering the said facts and circumstances, this Court is not inclined to pass an order as prayed for, but liberty is granted to the parties herein to take necessary steps before the Court where the second appeal is pending.
6. CO 2519 of 2024 stands disposed of.
7. Urgent Photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

(Shampa Dutt (Paul), J.)