

18.05.2026
Ct. No.6
Sl. No.361
skg

C.O. 2910 of 2025

Jagat Kumar Majumder & Anr.
Vs.
Ravi Pachisia & Anr.

Mr. Rahul Karmakar,
Mr. Saptarshi Dutta,
Ms. Srinjita Ghosh,
Mr. Pourush Kanti Pal,
Mr. Debdut Hore,

...for the Petitioners

1. Affidavit of service filed in Court today is taken on record.
2. None appears for the opposite parties.
3. Mr. Karmakar, the learned Advocate appearing for the petitioner submits that the decree passed in Title Suit No. 489 of 2015 heard analogously with Title Suit No. 572 of 2016 by the learned Civil Judge (Sr. Div.) 2nd Court at Barasat, North 24 Parganas has been put into execution by filing Title Execution No. 17 of 2024.
4. He further submits that the opposite parties have filed an application under Order 21 Rule 26 of the Code of Civil Procedure in the said Title Execution Case and the same is pending. It is submitted that due to the pendency of the said interlocutory application in the execution case, the execution case itself has been stalled.

5. Mr. Karmakar also submits that it would be evident from the application itself that the same is not maintainable inasmuch as the provision of Order 21 Rule 26 of the Code applies to a transferee executing Court which is not the case here.
6. 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 (Sr. Div.) 2nd Court at Barasat, South 24 Parganas to dispose of the pending application under Order 21 Rule 26 of the Code as expeditiously as possible and preferably within a period of one month from the next date fixed, if the same cannot be done on the next date itself. It is made clear that in case, the application under Order 21 Rule 26 is found to be unmeritorious, mere pendency of such application should not stagnate the Title Execution Case.
7. With the above observations, C.O. 2910 of 2025 stands disposed of. There shall be no order as to 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.)