

16.03.26
M/L
SI-1666
Ct. 06
(Samar)

CO. 4069 of 2025
With
CAN 1 of 2026

Harendranath Mondal
V.
Nirmal Kumar Naskar & Ors.

Mr. Sudarshan Ghosh,
... for the petitioner.

Re. CAN 01 of 2026

1. CAN 01 of 2026 has been filed praying for recalling of the order dated December 03, 2025 passed in CO No. 4069 of 2025 whereby the said revisional application had been dismissed for default.
2. Having gone through the statements made in CAN No. 1 of 2026, this court is satisfied that there were good grounds for non-appearance of the petitioner on December 03, 2025 when CO. 4069 of 2025 had been called on for hearing.
3. Accordingly, the order dated December 03, 2025 is recalled and the civil revisional application being CO 4069 of 2025 is restored to its file.
4. CAN 01 of 2026 stands disposed of.

CO. 4069 of 2025

1. This revisional application has been filed seeking expeditious disposal of Title Appeal No. 04 of 2020 pending before the learned Civil Judge (Senior Division), 2nd Court at Baruipur, District- South 24 Parganas.

2. Learned advocate appearing for the petitioner submits that the aforesaid appeal being Title Appeal No. 04 of 2020 has been preferred against the judgment and decree dated December 23, 2019 passed by the learned Civil Judge (Senior Division), 2nd Court at Baruipur in Title Suit No. 105 of 2004. It is submitted that the said Title Suit had been filed by the petitioner and the same had been decreed.
3. It is further submitted that in Title Appeal No. 04 of 2020, an order of stay of execution of the judgment and decree dated December 23, 2019 has been passed and that the petitioner has filed an application seeking vacation of the said order of stay as far back as on February 15, 2022 but the same is still pending.
4. In view of the nature of the order proposed to be passed direction for prior service of copy of this application along with notice on the opposite parties is not being made, however, the petitioner shall remain obliged to serve a copy of this 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 (Senior Division), 2nd Court at Baruipur to dispose of Title

Appeal No. 04 of 2020 along with all the connected applications as expeditiously as possible and preferably within a period of eight months from the next date fixed without granting any unnecessary adjournment to either of the parties.

6. With the above observations, CO. 4069 of 2025 stands disposed of.
7. 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.)