

Misc. Appeal No. 127 of 2025
CNR No. WBHW01 003789 2025

Present: Abhijit Som,
District Judge, Howrah.
J.O. Code - WB01127

Order No. 02 dated 06.08.2025.

The record is put up on prayer.

Learned Advocate on behalf of appellant prays for stay of all further proceeding of Title Execution Case No. 65 of 2019.

The instant Misc. Appeal is filed against an order of rejection of Misc. Case under Order 9 Rule 13 of C.P.C. No doubt, the decree is passed ex parte. However, in the impugned order the learned Trial Court observed that the notice upon the present appellant has returned unserved with the note 'refused'. Accordingly, the suit was proceeded with treating the refusal of notice as good service. So, in the instant Misc. Appeal, the appellant prays for an order of stay of the execution filed by the respondent in connection with the original decree passed ex parte.

Having considered the submission of the appellant, the prayer for granting stay is allowed for a limited period. Let there be an order of stay of the further proceeding of Title Execution Case No.65 of 2019 pending in the Civil Judge (Junior Division), 3rd Court Howrah for a period of 12 weeks hence or till disposal of the appeal, whichever is earlier subject to deposit of bank surety of Rs. 10,000/-.

To date.

Dictated & corrected by me.

D. J.

District Judge, Howrah.