

Ej Ex 46 of 2017
WBPS01-000528-2018

Before: Smt. Glady Bomjan, Ld. Judge, 3rd Bench

Order No: 65

Date: 15-05-2025

Today is fixed for awaiting order of the misc. Case 110 of 2018.

It appears that instant ejection execution case is arose out of Ejection Suit 6763 of 2014 which was decreed ex-parte on 03.09.2016. Being aggrieved by the ex-parte decree passed by the then Ld. Predecessor-in-office, judgment debtor/defendant had filed a Misc. Case under Order 9 Rule 13 of C.P.C. for setting aside the ex-parte decree and the said Misc. Case has already been rejected by the Ld. predecessor-in-office. Being aggrieved by the said order, judgment debtor / defendant had preferred an appeal before the Ld. Appellate Court being no Misc. Appeal 27 of 2023. Vide order dt. 05.06.2024, Ld. Chief Judge, City Civil Court, Calcutta has been pleased to pass an order to set aside the ex-parte decree passed in the Ejection Suit 6763 of 2014 and remand back the same for further hearing.

Considering the above facts and circumstance, this Court is of the view that since, the judgment and decree of the Ejection Suit 6763 of 2014 has already been set aside, the instant execution proceedings has become infructuous and liable to be dropped.

Hence, it is

Ordered

that the Execution Case being no 46 of 2017 is hereby dropped.

Smt. Glady Bomjan
[J.O. Code: WB1039]
Judge, 3rd Bench
Presidency Small Cause Court,
Calcutta