

Title Appeal No. 128 of 2014

Order No. 30
07-05-2018

This day is fixed for hearing the stay petition filed by the Appellants/Defendants along with the Appeal on 10-04-2014. Two ready slips are filed for both the parties and on calls learned Advocate for the Appellant is found present but none appears for the Respondents.

Even after placing this case record on pass over for a considerable period, none appears for Respondent. So, the petition is taken up for hearing.

Heard learned Advocate for the Appellants and he mainly submitted that the interim stay order was passed by this Court on 12-11-2014 and time to time the same was extended up to 04-05-2017 and thereafter this stay order stood lapsed and hence this petition is fixed up today for hearing.

Learned Advocate also submitted that in view of interim order passed on 12-11-2014, the stay of Execution case shall be allowed till the disposal of this Appeal.

Having heard the learned Advocate for the Appellants/Defendants, I perused the instant petition of stay dated 10-11-2014 where from I am not finding any case number of any Execution Case. On the other hand, I am finding that the Respondents/ Plaintiffs may file Execution Case against this Appellants/Defendants.

Having heard, I perused the last order as cited by the learned Advocate in this Appeal and found that really there was a stay order passed in this Appeal but admittedly the stay order stood lapsed after 04-05-2017. Thereafter there is no development and or further petition filed by the Appellants of this Appeal from which it can be learnt that some Execution case has been filed against the judgment and decree passed by the learned court below. On perusal of the Judgment passed in Title Suit No. 162 of 2009, it reflects that by that contested Judgment, the Plaintiff's right, title, interest over the suit property was declared along with permanent injunction against the Defendants of that suit who are the Appellants here in this appeal.

In such a position, I do not find any positive case of passing the stay order absolutely up to this point of time as no Execution case has been filed to that extent.

Considering all, I do not find any materials of this instant petition. So the petition is liable to be rejected.

Hence, it is,

Ordered

That the said petition dated 10-11-2014 filed by the Appellants/Defendants is hereby rejected.

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No L.C.R is received till today though the intimation was given to the learned Court below repeatedly.

Appeal is found ready for disposal. Let the appeal be transferred to the Court of Learned Additional District Judge, 3rd Court, Purulia for disposal. Both the parties are directed to appear before the Learned Transferee Court on the date fixed.

Let a copy of this order along with a direction be passed for compliance to the Judge in the Court below (Civil Judge (Junior Division), 2nd Court, Purulia) for sending the L.C.R directly to the Court of Learned Additional District Judge, 3rd Court, Purulia

To **06-06-2018** for appearance of the parties before the learned Transferee Court.

(Dictated & Corrected)

District Judge, Purulia

District Judge, Purulia