

IN THE COURT OF ADDL.DISTRICT JUDGE, FAST TRACK,
1ST COURT, DIAMOND HARBOUR.

Misc. Case No. 01/2022
Title Appeal No.47/2016

Order No.13 dated 24.02.2023.

Today is fixed for hearing of the petition U/s. 5 of the Limitation Act and also for passing order in respect of the stay petition.

The petitioner is present by filing hazira. Opposite Party has filed a petition praying for time on the personal ground of the Ld. Lawyer.

Heard. Perused the materials on record. Considered. The prayer for time is allowed for the ends of justice.

Now the case record is taken up for passing order in respect of the stay petition dated 08.12.2022 filed on behalf of the appellant.

It appears, however, that the Title Appeal being No. 47 of 2016 has already been dismissed for default by order of this court being Order No. 30 dated. 22.11.2019. Being aggrieved by the said dismissal for default, the instant Misc. Case has been filed.

So this court finds that since the original title appeal has already been dismissed for default, the stay order granted in that title appeal against the operation of the order of the Ld. Court below already stood vacated and is no longer in existence. So there is hardly any scope for this court to revive the said stay order which no longer in exists. Accordingly the prayer for granting stay in respect of the execution proceedings is hereby rejected.

To 24.04.2023 for hearing the petition U/s. 5 of the Limitation Act.

Dictated & corrected
by me.

Addl. District Judge,
Fast Track, 1st Court,
Diamond Harbour

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Fast Track, 1st Court,
Diamond Harbour.

