

MC 836/2014
BEFORE
HON'BLE MR.JUSTICE SUMAN SHYAM

Heard Mr. B. Sinha, learned counsel for the applicant. Also heard Mr. B. Chakraborty, learned counsel for the opposite party No.2.

This is an application filed under Section XLI Rule 5 of the Code of Civil Procedure praying for stay of operation of the judgment and decree dated 28.06.2013 passed by the learned District Judge, Hailakandi in T.A. No.82 of 2006. Mr. Sinha submits that Title Execution No.5 of 2006 has been started in the Court of Civil Judge, Hailakandi, so as to execute the decree, wherein the last date was fixed on 06.06.2016. The learned counsel for the applicant submits that unless the execution proceeding is stayed, the appeal itself would become infructuous.

Issue notice, returnable in 4 (four) weeks.

Since, the opposite party No.2 is represented by Mr. Chakraborty, hence, no formal notice is required to send to the said respondent. However, steps by registered post with A/D for service of notice upon the remaining respondents.

In the interim, it is provided that further proceedings in connection Title Execution Case No.5 of 2006 pending in the Court of Civil Judge, Hailakandi, shall remain suspended.