

30.04.2025
DL. 28

Court No. 652
sg

CO 753 of 2021

**Md. Isha & Ors.
Vs.
Firoj Ali**

Mr. Nilanjan Adhikari
Mr. Nitin Sharma
....for the petitioners.

Learned Counsel for the petitioners submits that pursuant to the order dated 10th February, 2023, the notice has duly been served upon Mr. Alamgir Mia, advocate represented the opposite party before the learned Trial Court. Affidavit of service has duly filed. The opposite party has already been served and affidavit of service has been filed. However, the opposite party has chosen not to appear.

Petitioner has challenged the order dated 21st December, 2020 passed in Execution case no. 08 of 2017 arising out of Partition Suit No. 187 of 2010 vide impugned order the learned Trial Court stayed the execution proceedings till further orders.

Learned Counsel for the petitioner submits that the learned Trial Court has fallen into error by staying the execution proceedings merely on the grounder that another suit bearing No. 78 of 2019

between the same party in respect of same suit plot is pending. Learned Counsel for the petitioner submitted in that fact, observation of the learned Trial Court is incorrect and the parties are not same. Learned Counsel has placed on record the petitions which are in Bengali vernacular. Let the English translated copy along with the supplementary affidavit be filed within four weeks.

List the matter on 24th June, 2025.

(Dinesh Kumar Sharma, J.)