

Item-
18. 16-07-2026

CO 2266 of 2026

sg Ct. 6

Pranab Kumar Dey
Versus
Lal Chand Shaw & Ors.

Mr. Rahul Karmakar
Mr. Sourav Guchhait
...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the decree-holder praying for a direction upon the learned Judge, 2nd Bench, City Civil Court at Calcutta, to dispose of the Title Execution Case No. 31 of 2025, expeditiously.

The learned advocate appearing for the decree-holder/petitioner submits that after the decree was put into execution, the petitioner filed an application under Order 21 Rule 97 of the Code of Civil Procedure to remove obstruction which was registered as Misc. Case No. 5230 of 2025.

Mr. Karmakar learned advocate appearing for the petitioner submits that though the said application ought to have captioned as an application under Rule 208 of the Civil Rules and Orders but inadvertently it was captioned as one under Order 21 Rule 97 of the Code of Civil Procedure. He further submits that the opposite parties have also taken out an application under Order 21 Rule 101 of the Code of Civil Procedure. He submits that the two applications – one at the instance of the decree-holder filed under Order 21 Rule 97 being Misc. Case No. 5230 of 2025 and the other application filed by the opposite party under Order 21 Rule 101 of the Code of Civil Procedure – are pending.

In view of the order sought and proposed to be passed, there is no necessity to serve notice upon the opposite parties. However the learned Advocate-on-Record for the petitioner shall be obliged to forward a copy of this application along with a server copy of this order to the opposite parties forthwith.

In the light of the submission made by the learned Advocate for the petitioner, this civil revisional application stands disposed of by requesting the learned Judge, 2nd Bench, City Civil Court at Calcutta, to make an endeavour to dispose of the application under Order 21 Rule 101 of the Civil Procedure Code filed by the opposite parties herein as expeditiously as possible without granting any unnecessary adjournments to either of the parties, but preferably within a period of six months from the next date, if the same is otherwise ready for hearing.

Insofar as the submission of Mr. Karmakar that the application of the decree-holder which has been registered as Misc. Case No. 5230 of 2025 should be treated to be an application under Rule 208 of the Civil Rules and Orders, it is observed that it would be open to the petitioner to take appropriate steps before the learned Executing Court.

After disposal of the application under Order 21 Rule 101 of the Code of Civil Procedure filed by the opposite party, the learned Executing Court shall make all endeavour to dispose of the application filed by the decree-holder and the Title Execution Case No. 31 of 2025 as expeditiously as possible, without granting any unnecessary adjournments to

either of the parties.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Hiranmay Bhattacharyya, J.)