

Sl.41
19.09.2025
Court No.6
BP

C.O. 3514 of 2025

Sri Gopal Patra
-versus-
Sri Nabadeb Routh & Anr.

Mr. Udaynarayan Betal
Mr. Mriganka Patra
... for the petitioner

Mr. Betal, learned advocate appearing for the petitioner submits that the learned trial judge has allowed the application under Section 5 of the Limitation Act mechanically in spite of the fact the opposite parties failed to make out sufficient cause for condonation of delay.

The petitioner is directed to serve a copy of this application upon the opposite parties by registered speed post with acknowledgement due and file an affidavit of service on the next date.

Considering the fact that the opposite parties filed a miscellaneous case under Order 9 Rule 13 of the Code of Civil Procedure praying for setting aside the ex parte decree and such decree has already been put into execution, unless the execution case is stayed the miscellaneous case will become infructuous.

At this stage Mr. Betal, learned advocate appearing for the petitioner submits that the learned trial judge has already passed an order of stay of all further proceedings of the Title Execution Case No. 2 of

2022 pending before the learned Civil Judge (Junior Division), Jhargram till the disposal of the J. Misc. Case No. 59 of 2023.

There shall be an order of stay of all further proceedings in J. Misc. Case No. 59 of 2023 pending before the learned Civil Judge (Junior Division), Jhargram till the disposal of the civil revisional application.

List this matter under the heading “Contested Application” after eight weeks.

(Hiranmay Bhattacharyya, J.)