

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

CO/23/2026

Meraj Ahmed and another

Vs

Krishna Saha and others

Mr. KMB Jayapal

... for the petitioner

March 18, 2026
[AKB]
Item No.4

1. This revisional application has been filed against the order passed in Other Execution No. 02 of 2020 in connection with Misc. Judicial Case No. 02 of 2026 by the learned Court of Civil Judge (Junior Division), Additional Court, Port Blair, South Andaman.

2. Heard the submission. *Prima facie* it is seen there was a direction passed by the Coordinate Bench on December 11, 2025 whereby the learned District Judge was directed to dispose of the application for substitution and the application for condonation of delay in preferring the appeal as well as application under Order XLI Rule 5 of the Code of Civil Procedure expeditiously. Those appeals are still pending and the substitution application has been allowed and the requisites were put in, but service could not be effected upon the substituted respondents and by virtue of the order dated February 27, 2026 direction has been given to take fresh steps for service upon the substituted legal heirs.

3. However, nothing can be found from any of the order that the stay application under Order XLI Rule 5 was taken out

for hearing. In the meantime the Executing Court has proceeded further in connection with the Execution Case and fixed the date on 18.03.2026 for hearing of the Execution Case.

4. At this stage apparently the petitioner who has filed the statutory appeal will be prejudiced unless an interim order of protection is given till the application under Order XLI Rule 5 is taken up by the learned District Judge.

5. Therefore, an arguable case has been made out by the petitioner for which the matter is required to be heard.

6. Hence issue notice. Matter to appear as listed Motion before the next circuit Bench.

7. In the meantime let there be an order of stay of further proceeding in connection with the Other Execution Case No. 2 of 2020 till 17.04.2026 or until further order whichever is earlier.

8. Parties are directed to act on the serve copy of this order to e downloaded from the official website of this court.

(Chaitali Chatterjee (Das), J.)