17.11.2026
Item No.13 (DL)
Court No.04
AJ.

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI

CIVIL REVISIONAL JURISDICTION

C.O. 144 of 2026

Subhajit Ghosh
-Vs-
The Atiabari Tea Company Limited & Anr.

Mr. Satyaki Basu,
Smt. Nita Acharjee,
Mr. Abhisek Palit.
.....for the petitioner.
Mr. Ajoy Kumar Singhania,
Ms. Madhurima Roy,
Ms. Tania Bhowmick.
.....for the opposite parties.

1. This revisional application assails an order dated March 25, 2025 passed by the learned Civil Judge (Senior Division) at Jalpaiguri in Money Execution Case No. 87 of 2014.

2. The petitioner had instituted Money Suit No. 04 of 2007 before the learned Civil Judge (Senior Division) at Jalpaiguri. The said suit was decreed ex parte on September 24, 2013. The petitioner has put the decree in execution by filing Money Execution Case No. 87 of 2014. In the said Money Execution Case, on March 25, 2025 a submission was made on behalf of the petitioner that the Court was fixing long dates and the petitioner prayed for expeditious disposal of the execution case.

3. On such submission being made, the learned Executing Court directed as follows :-

> *"Considering the submission and grievance of the D.Hr.it is directed upon the D.Hr. to appear in every fixed date so that he is able to be informed about the matter in detail and the order passed by this court and also able to learned the next fixed date so that nothing is kept in the dark from him. However, he expresses that at present he would not be able to appear due to his personal inconvenience and that he will appear on the fixed date as per the record. Considering the same the date is not preponed but direction is given to the D.Hr. as well as his conducting advocate, Dipankar Ray to appear personally on the fixed date and to file requisites for S/R immediately.*
>
> *To date (04.08.2025) for appearance and filing requisites."*

4. Feeling aggrieved by the direction to appear personally on every date, the petitioner has approached this Court by way of the present revisional application.

5. Heard Mr. Basu, learned Advocate appearing for the petitioner and Mr. Singhania, learned Advocate appearing for the opposite party nos.1 and 2.

6. While, the learned Executing Court's anxiety of keeping the petitioner informed can be appreciated, the direction on the petitioner to appear on every date personally along with his conducting Advocate cannot be supported. Once the petitioner has engaged a learned Advocate who has been duly authorized by a Vakalatnama, such learned Advocate is (would be) competent to make all routine appearances and take all procedural steps on behalf of the petitioner-decree holder. The direction on the petitioner-decree holder to be personally present on each date, only so that he remains informed, was utterly unnecessary.

7. It is noticed that the Execution Case is for recovery of a sum of Rs.1,00,521/- which in terms of the judgment and decree (under execution) is payable to the petitioner on account of the petitioner's service in the opposite party company. The petitioner has not been able to reap the fruits of the decree although more than 12 years have passed.

8. Since the direction on the petitioner to be personally present on each and every date is an illegal compulsion (i.e. imposed on him without any legal requirement therefor), the said direction is set aside.

9. The learned Executing Court being the learned Civil Judge (Senior Division), Jalpaiguri is requested to dispose of Money Execution Case No. 87 of 2014 as expeditiously as possible and preferably within a period of three months from the date of the petitioner putting the requisites in terms of the other directions passed on the same day i.e. March 25, 2025.

10. C.O.144 of 2026 is allowed to the above extent. There shall be no order as to costs.

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

(Om Narayan Rai, J.)