

THE HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

CRP No.41 of 2015

1. **Smti. Sanchita Banerjee,**
Wife of Late Gopal Banerjee,
resident of Shabroom,
P.S. Shabroom, P.O. Shabroom,
District : South Tripura, Tripura.
2. **Smti. Sudipta Banerjee,**
Wife of Shri Tarun Kanti Bhushan,
Daughter of Late Gopal Banerjee,
Resident of Arundhutinagar,
P.O. :- Arundhutinagar, P.S. :- West Agartala,
District- West Tripura, Tripura.

..... *Petitioners.*

– Versus –

1. **Sri Sankar Debbarma,**
Son of Late Badal alias Manab Debbarma
2. **Smti. Gita Debbarma,**
Wife of Late Pritwish Debbarma,
3. **Shri. Partha Debbarma,**
Son of Late Pritwish Debbarma,
4. **Shri. Anjan Debbarma,**
Son of Late Pritwish Debbarma.

All are resident of Colonel Bari, Krishnanagar,
P.S : West Agartala, P.O : Agartala,
District- West Tripura, Tripura.
5. **Smti. Keya Debbarma,**
Wife of Shri. Sambhu Deb,
Resident of Krishnanagar, Near Haradhan Sangha,
P.S :- West Agartala, P.O : Krishnanagar,
Tripura- 799 001.

..... *Respondents.*

For the petitioner	:	Ms. P Dhar, Advocate				
For respondent No.1	:	Mr. K N Bhattacharji, Sr. Advocate, Mr. S. Chakraborty, Advocate,				
Respondents 2 to 5	:	Mr. D Sarma, Advocate				
Date of hearing and delivery of judgment.	:	03.7.2015.				
Whether fit for reporting	:	<table border="1"><tr><td>Yes</td><td>No</td></tr><tr><td>✓</td><td></td></tr></table>	Yes	No	✓	
Yes	No					
✓						

This petition by the legal heirs of Gopal Banerjee defendant No.2 before the trial Court is directed against the order dated 13th March, 2015 passed in Title Suit No.76 of 2006 whereby the learned trial Court rejected the application filed by the said petitioners under Order XVIII Rule 17A seeking permission to recall DW.1 who is in fact defendant No.2(a) with a view to produce certain documents. It may be pointed out at this stage that Ms. Paramita Dhar learned counsel for the petitioner at the stage of hearing of the petition very candidly stated that though the word ‘documents’ had been used in the application the only document which is sought to be exhibited is the plaint filed in Title Suit No.41 of 1978.

2. This case has a very long and chequered history. Title Suit No. 41 of 1978 was filed by Naresh Chandra Debbarma whose son Pritwish Debbarma was the original defendant No.1 in the suit and he was grandfather of respondents 2 to 5 in this petition. Defendant No.2 in the earlier suit was Gopal Banerjee the predecessor-in-interest of

the present petitioners. It is not disputed that the land which is subject matter of Title Suit No.76 of 2006 out of which this revision petition arises was also part of the schedule land in the earlier Title Suit No.41 of 1978.

3. In the earlier suit Naresh Chandra Debbarma stated that he had made paper transaction selling his land to one Sachindra Debbarma and that Sachindra Debbarma had sold the land which is subject matter of the present suit to Gopal Banerjee. According to the Naresh Chandra Debbarma, though these sale deeds had been executed, the land was not transferred to the defendants and Naresh Chandra Debbarma continued to remain in possession of the suit land. It was also contended that the sale deeds were violative of the provisions of Tripura Land Revenue and Land Reforms Act, 1960 (*for short TLR & LR ACT*) and in as much as the sale deeds were executed by tribal in favour of non-tribal. The said suit was dismissed. The appeal filed by the plaintiff was dismissed by the learned Additional District Judge and Second Appeal No.10 of 1999 was filed before the Gauhati High Court which then exercised jurisdiction over the State of Tripura.

4. A learned single Judge of the said High Court dismissed the Second Appeal No.10 of 1999 on 14.6.2006 and rejected all the pleas raised by the original plaintiff Naresh Chandra Debbarma who had died and had been substituted by his son Pritwish Debbarma. The learned single Judge held that since the two registered sale deeds had been executed prior to the enforcement of the TLR & LR Act, 1960 these

could not be set aside. This finding has not been challenged in any proceedings and operates as *res judicata* between the parties or on any parties claiming under them. The validity of the sale deeds has been upheld and cannot be the subject matter of any other litigation. The plea of the plaintiff Naresh Chandra Debbarma that he was in adverse possession of the suit land which he had sold was also rejected by the learned single Judge. Thereafter Sri Sankar Debbarma, respondent No.1 in the present petition, filed Title Suit 76 of 2006. In this suit Sankar Debbarma has claimed right from 1949 that the land in question has been in possession of his family, initially in the possession of his grandfather Kalachan Debbarma and that the possession of his family members is adverse to defendant No.1 i.e. Pritwish Debbarma son of the plaintiff in Title Suit No.41 of 1978.

5. According to the plaintiff, in the year 2006 some attempt was made to enter into the land by the defendant and therefore, he was compelled to file a suit and which suit was filed in the year 2006 itself. At this stage it would be pertinent to mention that in para 7 of the plaint, the plaintiff has stated that in the year 1978, the defendant No.1(Pritwish Debbarma) approached the plaintiff and asked him to vacate the suit land because defendant No.2(Gopal Banerjee) father of the present petitioners had been creating pressure to give vacant possession on the strength of his purchase. Therefore, in 1978 he knew that some sale deed had been executed in favour of Gopal Banerjee. Thereafter the plaintiff has also made an averment in para 7 of his

plaint that subsequently he came to know that Pritwish Debbarma filed Title Suit No.41 of 1978 in the Court of Sub-Judge, West Tripura, Agartala claiming ownership by adverse possession over the suit land. Thus what emerges is that the plaintiff was not unaware of the earlier litigation or the decree passed in that suit.

6. According to the plaintiff, in the first part of September, 2006 some officials from Sadar Tahashil came to his house and asked that measurements would be taken and then he came to know about the earlier suit. This is a question which the Trial Court will decide on the evidence and pleadings on record and this Court is not commenting on the same at this stage. However, before filing of the suit the plaintiff was aware of these proceedings and the averments will have to be read in totality because the plaintiff has very cleverly in the plaint not stated what was the exact date when he came to know about the plaint being filed.

7. The defendant No.2 Gopal Banerjee contested the suit and during the proceedings of the second suit i.e. Title Suit No.76 of 2006 he died and his legal heirs(*the present petitioners*) were brought on record. The defendant No.1 has also filed a written statement. In this written statement the defendant No.1 has virtually admitted the claim of the plaintiff because defendant No.1 has stated that the plaintiff is in possession of the suit land right from the year 1949. The only stand of defendant No.1 is that Kala Chandra Chakma was permissive possessor of the suit land and was not in adverse possession.

8. In a case where there are two sets of defendants and one set of defendants are partly or wholly supporting the plaintiff, the proper course for any Civil Court to follow is that after the evidence of the plaintiff is recorded to call upon that set of defendants to first lead their evidence. This was not done in the present case and defendant No.2 who was the main contesting defendant was called upon to examine his witnesses and after those witnesses were examined, defendant No.1 filed an affidavit which again supported the claim of the plaintiff. It may also be pointed out that when the witness of defendant No.1 was to be examined, the defendant No.2 filed an application praying that the record of the Title Suit No.41 of 1978 be called for so that the witness could be confronted with the documents of that earlier suit. Another application was filed seeking leave of the Court to cross-examine DW.3 who was the witness on behalf of the defendant No.1.

9. The second application was allowed and the defendant No.2 was permitted to cross-examine the witness of defendant No.1 but the Court ordered that instead of directing production of the record, certified copies of the documents be filed. These certified copies were actually filed but copy of the plaint is not a public document and cannot be exhibited without proving the same. The witness has not specifically denied the plaint but the plaint could not be exhibited due to the fact that in absence of the original plaint, the certified copy could not be exhibited in this case. It could have been exhibited only if

all the parties had admitted the correctness thereof and the plaintiff in the second suit was obviously not admitting the plaint.

10. Thereafter the defendant No.1 filed an application under Order XVIII Rule 17A of C.P.C seeking leave of the Court to recall DW.1 who had been examined by them to prove the certified copy of the plaint in accordance with law. This application has been rejected mainly on the grounds that (i) Order XVIII Rule 17A is not applicable, (ii) it has been filed at a belated stage to drag the litigation and (iii) since the certified copies are already on record the defendants cannot be permitted to recall the witness DW.1 for proving the same.

11. It is contended by Ms. P Dhar relying upon the judgment of the Apex Court in **(2011) 11 SCC 275, K K Velusamy Vs. N Palanisamy** that the Court has the power and discretion under Order XVIII Rule 17 to recall any witness even at the instance of a party. As far as respondent No.1 the original plaintiff is concerned, Mr. K N Bhattacharji learned Sr. Counsel appearing for the said respondent, has placed reliance on the order of the trial Court and judgments referred to in the order of the trial Court being **AIR 2004 Punjab and Haryana 377, Surindar Kaur Vs. Karanbir Singh** and **AIR 2005 AP 178, Macha Gangadhar Vs. Macha Gangararam**. However, Mr. D Sarma learned counsel appearing for respondent Nos.2 to 4, has drawn my attention to another judgment of the Apex Court in **AIR 2013 SC 1849, M/s Bagai Construction Thr. Its Proprietor Mr. Lalit Bagai Vs M/s Gupta**

Building Material Store wherein the Apex Court has again limited the scope of Order XVIII Rule 17.

12. Order XVIII Rule 17 reads as follows :

“The Court may at any stage of a suit recall any witness who has been examined and may (subject to the law of evidence for the time being in force) put such questions to him as the Court thinks fit.”

13. As far as the judgments of the Punjab & Haryana and Andhra Pradesh High Courts are concerned, I am not even referring to them because once the law has been laid by the Apex Court there is no need to refer to the judgments of other High Courts.

14. The scope of Order XVIII Rule 17 was discussed by the Apex Court in detail in ***(2009) 4 SCC 410, Vadiraj Naggappa Vernekar(dead) through LRs. vs. Sharadchandra Prabhakar Gogate*** and the Apex Court held as follows:

“25. In our view, though the provisions of Order 18 Rule 17 CPC have been interpreted to include applications to be filed by the parties for recall of witnesses, the main purpose of the said rule is to enable the Court, while trying a suit, to clarify any doubts which it may have with regard to the evidence led by the parties. The said provisions are not intended to be used to fill up omissions in the evidence of a witness who has already been examined.

28. The power under the provisions of Order 18 Rule 17 CPC is to be sparingly exercised and in appropriate cases and not as a general rule merely on the ground that his recall and re-examination would not cause any prejudice to the parties. That is not the scheme or intention of Order 18 Rule 17 CPC.

29. It is now well settled that the power to recall any witness under Order 18 Rule 17 CPC can be exercised by the Court either on its own motion or on an application filed by any of the parties to the suit, but as indicated hereinabove, such power is to be invoked not to fill up the lacunae in the evidence of the witness which has already been recorded but to clear any ambiguity that may have arisen during the course of his examination.”

15. Thereafter, the Apex Court again dealt with this issue in **(2011) 11 SCC 275, K. K. Velusamy Vs. N Palanisamy** the Apex Court after discussing the entire law held as follows:

“11. There is no specific provision in the Code enabling the parties to re- open the evidence for the purpose of further examination-in-chief or cross- examination. Section 151 of the Code provides that nothing in the Code shall be deemed to limit or otherwise affect the inherent powers of the Code to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the court. In the absence of any provision providing for re-opening of evidence or recall of any witness for further examination or cross-examination, for purposes other than securing clarification required by the court, the inherent power under section 151 of the Code, subject to its limitations, can be invoked in appropriate cases to re- open the evidence and/or recall witnesses for further examination. This inherent power of the court is not affected by the express power conferred upon the court under Order 18 Rule 17 of the Code to recall any witness to enable the court to put such question to elicit any clarifications.

12. The respondent contended that section 151 cannot be used for re- opening evidence or for recalling witnesses. We are not able to accept the said submission as an absolute

proposition. We however agree that section 151 of the Code cannot be routinely invoked for reopening evidence or recalling witnesses. The scope of section 151 has been explained by this Court in several decisions (See : Padam Sen vs. State of UP-AIR 1961 SC 218; Manoharlal Chopra vs. Seth Hiralal - AIR 1962 SC 527; Arjun Singh vs. Mohindra Kumar - AIR 1964 SC 993; Ram Chand and Sons Sugar Mills (P) Ltd. vs. Kanhay Lal - AIR 1966 SC 1899; Nain Singh vs. Koonwarjee - 1970 (1) SCC 732; The Newabganj Sugar Mills Co.Ltd. vs. Union of India - AIR 1976 SC 1152; Jaipur Mineral Development Syndicate vs. Commissioner of Income Tax, New Delhi - AIR 1977 SC 1348; National Institute of Mental Health & Neuro Sciences vs. C Parameshwara - 2005 (2) SCC 256; and Vinod Seth vs. Devinder Bajaj - 2010 (8) SCC 1). We may summarize them as follows:

(a) Section 151 is not a substantive provision which creates or confers any power or jurisdiction on courts. It merely recognizes the discretionary power inherent in every court as a necessary corollary for rendering justice in accordance with law, to do what is 'right' and undo what is 'wrong', that is, to do all things necessary to secure the ends of justice and prevent abuse of its process.

(b) As the provisions of the Code are not exhaustive, section 151 recognizes and confirms that if the Code does not expressly or impliedly cover any particular procedural aspect, the inherent power can be used to deal with such situation or aspect, if the ends of justice warrant it. The breadth of such power is co-extensive with the need to exercise such power on the facts and circumstances.

(c) A Court has no power to do that which is prohibited by law or the Code, by purported exercise of its inherent powers. If the Code contains provisions

dealing with a particular topic or aspect, and such provisions either expressly or necessary implication exhaust the scope of the power of the court or the jurisdiction that may exercised in relation to that matter, the inherent power cannot be invoked in order to cut across the powers conferred by the Code or a manner inconsistent with such provisions. In other words the court cannot make use of the special provisions of Section 151 of the Code, where the remedy or procedure is provided in the Code.

(d) The inherent powers of the court being complementary to the powers specifically conferred, a court is free to exercise them for the purposes mentioned in Section 151 of the Code when the matter is not covered by any specific provision in the Code and the exercise of those powers would not in any way be in conflict with what has been expressly provided in the Code or be against the intention of the Legislature.

(e) While exercising the inherent power, the court will be doubly cautious, as there is no legislative guidance to deal with the procedural situation and the exercise of power depends upon the discretion and wisdom of the court, and the facts and circumstances of the case. The absence of an express provision in the code and the recognition and saving of the inherent power of a court, should not however be treated as a carte blanche to grant any relief.

(f) The power under section 151 will have to be used with circumspection and care, only where it is absolutely necessary, when there is no provision in the Code governing the matter, when the bona fides of the applicant cannot be doubted, when such exercise is to meet the ends of justice and to prevent abuse of process of court.

13. The Code earlier had a specific provision in Order 18 Rule 17A for production of evidence not previously known or the evidence which could not be produced despite due diligence. It enabled the court to permit a party to produce any evidence even at a late stage, after the conclusion of his evidence if he satisfied the court that even after the exercise of due diligence, the evidence was not within his knowledge and could not be produced by him when he was leading the evidence. That provision was deleted with effect from 1.7.2002. The deletion of the said provision does not mean that no evidence can be received at all, after a party closes his evidence. It only means that the amended structure of the Code found no need for such a provision, as the amended Code contemplated little or no time gap between completion of evidence and commencement and conclusion of arguments. Another reason for its deletion was the misuse thereof by the parties to prolong the proceedings under the pretext of discovery of new evidence.

14. The amended provisions of the Code contemplate and expect a trial court to hear the arguments immediately after the completion of evidence and then proceed to judgment. Therefore, it was unnecessary to have an express provision for re-opening the evidence to examine a fresh witness or for recalling any witness for further examination. But if there is a time gap between the completion of evidence and hearing of the arguments, for whatsoever reason, and if in that interregnum, a party comes across some evidence which he could not lay his hands earlier, or some evidence in regard to the conduct or action of the other party comes into existence, the court may in exercise of its inherent power under section 151 of the Code, permit the production of such evidence if it is relevant and necessary in the interest of justice, subject to such terms as the court may deem fit to impose.”

16. This matter was again considered in **AIR 2013 SC 1841, M/s Bagai Construction Thr. Its Proprietor Mr. Lalit Baggai Vs. M/s Gupta Building Material Store** wherein the Apex Court after referring to the earlier judgments held as follows :

“11. The perusal of the materials placed by the plaintiff which are intended to be marked as bills have already been mentioned by the plaintiff in its statement of account but the original bills have not been placed on record by the plaintiff till the date of filing of such application. It is further seen that during the entire trial, those documents have remained in exclusive possession of the plaintiff but for the reasons known to it, still the plaintiff has not placed these bills on record. In such circumstance, as rightly observed by the trial Court at this belated stage and that too after the conclusion of the evidence and final arguments and after reserving the matter for pronouncement of judgment, we are of the view that the plaintiff cannot be permitted to file such applications to fill the lacunae in its pleadings and evidence led by him. As rightly observed by the trial Court, there is no acceptable reason or cause which has been shown by the plaintiff as to why these documents were not placed on record by the plaintiff during the entire trial. Unfortunately, the High Court taking note of the words “at any stage” occurring in Order XVIII Rule 17 casually set aside the order of the trial Court, allowed those applications and permitted the plaintiff to place on record certain bills and also granted permission to recall PW-1 to prove those bills. Though power under Section 151 can be exercised if ends of justice so warrant and to prevent abuse of process of the court and Court can exercise its discretion to permit reopening of evidence or recalling of witness for further examination/cross-examination after evidence led by the parties, in the light of the information as shown in the order

of the trial Court, namely, those documents were very well available throughout the trial, we are of the view that even by exercise of Section 151 of CPC, the plaintiff cannot be permitted.

12. After change of various provisions by way of amendment in the CPC, it is desirable that the recording of evidence should be continuous and followed by arguments and decision thereon within a reasonable time. This Court has repeatedly held that courts should constantly endeavour to follow such a time schedule. If the same is not followed, the purpose of amending several provisions in the Code would get defeated. In fact, applications for adjournments, reopening and recalling are interim measures, could be as far as possible avoided and only in compelling and acceptable reasons, those applications are to be considered. We are satisfied that the plaintiff has filed those two applications before the trial Court in order to overcome the lacunae in the plaint, pleadings and evidence. It is not the case of the plaintiff that it was not given adequate opportunity. In fact, the materials placed show that the plaintiff has filed both the applications after more than sufficient opportunity had been granted to it to prove its case. During the entire trial, those documents have remained in exclusive possession of the plaintiff, still plaintiff has not placed those bills on record. It further shows that final arguments were heard on number of times and judgment was reserved and only thereafter, in order to improve its case, the plaintiff came forward with such an application to avoid the final judgment against it. Such course is not permissible even with the aid of Section 151 CPC.”

17. At this stage it may be pertinent to mention that the principles laid down in the earlier two judgments have been accepted by the Apex Court to be correct in ***M/s Bagai Construction's*** case which is the last judgment. However, on perusal of the facts as reflected in para 11 above, the Apex court held that the discretion has been wrongly exercised. In ***M/s Bagai Construction's*** case the Apex Court held that the original bills which were sought to be produced by the plaintiff after arguments had been heard in the matter, had always been in the possession of the plaintiff and no explanation was given as to why these were not produced at an earlier stage. It was in these circumstances that the Court set aside the order of the Delhi High Court.

18. There can be no manner of doubt that Order XVIII Rule 17 only empowers the Court to recall a witness but it is well settled that this power can be exercised not only by the Court *suo motu* but also at the instance of any party. In ***Vadiraj's*** case the Apex Court held that though the provisions of Order XVIII Rule 17 have been interpreted to include applications to be filed by the parties for recall of witnesses, the main purpose of the rule is to enable the Court while trying the suit, to clarify any doubts which it may have with regard to the evidence led by the parties. This power has to be sparingly used and cannot be resorted to as a matter of course. In ***K. K. Velusamy's*** case the Apex Court laid down certain principles and these principles are summarized in para 12 quoted hereinabove. In para 10 of the judgment

the Apex Court has clearly held that Order XVIII Rule 17 is primarily a provision enabling the Court to clarify any issue or doubt by recalling any witness either *suo motu* or at the request of any party so that the Court itself can put questions and receive answers. Once a witness is recalled for the purpose of such clarification it may of course permit the parties to assist the Court by putting some questions.

19. Dealing with Section 151 CPC the Apex Court held that though there is no specific provision now in the Code of Civil procedure enabling the party to reopen the evidence for the purpose of further examination-in-chief or cross-examination, the inherent powers under Section 151 of the CPC subject to its limitations can be invoked in appropriate cases to reopen the evidence and/or recall the witnesses for further examination. This law has been laid down by the Apex Court and it is expected that when any judicial officer decides a question of law before relying upon judgments of other High Courts he should verify whether there is any judgment of the Apex Court on the point or not. It is also the duty of the counsel who argue matters before the Court to ensure that they apprise the Court of the latest law especially when the law has been laid down by the Apex Court. Members of the bar have a special position in society. They are referred to as “*learned*”. It is their duty to assist the Courts properly and to ensure that the law whether it favours the party they represent or not is correctly brought to the notice of the Court.

20. A reading of these 3 judgments leaves no manner of doubt that the power under Order XVIII Rule 17 is a power of the Court to examine the witness but this power can be exercised either by the Court *suo motu* or at the instance of any party and once the Court has exercised such power it can permit the parties also to put questions to the witnesses so that the doubts, if any, are clarified. There is also no manner of doubt that in view of the judgment in ***K. K. Velusamy's*** case under Section 151 CPC any Civil Court has inherent powers to recall a witness even at the instance of a party so long as the conditions laid down in ***K. K. Velusamy's*** case are satisfied.

21. I now proceed to decide this issue on the basis of the aforesaid principles of law. As far as this case is concerned the certified copy of the document which is sought to be proved is already on record. It has been permitted to be brought on record by the order of the Court. At that time the defendant No.2 had prayed that she might be permitted to summon the record of Title Suit No.41 of 1978 but the trial Judge directed that the record might not be summoned but only the certified copies be filed. When the trial Court found that the certified copy of the plaint could not be exhibited not being a public document, it should have in natural course permitted the defendant No.1 to prove the said document.

22. No doubt this application has been filed at the *fag end* of the trial but I am of the considered view that the defendant No.2 is not responsible for this delay. The delay has occurred because firstly, the

trial Judge dismissed the application whereby the record of the earlier suit had been summoned and secondly, the trial Court followed a procedure which was improper in as much as the defendant who was supporting the plaintiff was permitted to lead evidence after the contesting defendant was permitted to lead the evidence. In such a case, the defendant should get another right to lead evidence because if there are proforma defendants or collusive defendants in a case then the contesting defendant must be given an opportunity to lead evidence after such defendant has lead his or her evidence supporting the plaintiff.

23. As far as the relevancy of this document is concerned, it is, in my view, fully relevant to decide the issue. Earlier a suit was filed by the grandfather of respondents 2 to 5 herein which suit was pursued by the father of respondents 2 to 5 herein. According to the plaintiffs, in that suit there was no averment that the present plaintiff was in possession of the suit land. Whether that averment is correct or not, is not for this Court to decide in these proceedings. However, what was said in the earlier suit is very relevant to decide whether the defendant No.1 and his heirs are placing correct facts before the trial Court or not. It will also be necessary to look into the earlier suit and decide whether there are contradictions between the earlier suit and the present suit. It is also necessary to look into the documents to decide whether defendant No.1/his legal heirs are colluding with the plaintiffs

or not as alleged by the defendant No.2. Therefore, I am clearly of the view that the impugned order deserves to be set aside.

24. However, I am of the view that no purpose will be served by just recalling the witness of defendant No.2 to prove this document. Therefore, in exercise of powers vested in this Court under Article 227 of the Constitution I order that record of Title Suit No.41 of 1978 shall also be called by the trial Court and after comparing the certified copy with the original record the same can be exhibited.

25. Therefore, the impugned order dated 13th March, 2015 is set aside and the defendant No.2 is permitted to recall DW.1 only for the limited purpose of proving the plaint in Title Suit No.41 of 1978 and her examination and cross-examination, if any, shall be limited only to this effect. The Trial Court shall also summon the records of Title Suit No.41 of 1978 to verify that the certified copy is in accordance with the original plaint on record. With these observations the petition is disposed of.

26. The parties through their counsel are directed to appear before the learned trial Court on 31st July, 2015. The Trial Court shall ensure that the statement of DW.1 is recorded in the month of August, 2015 and thereafter the suit shall be heard and disposed of latest by **30th September, 2015.**

CHIEF JUSTICE