

**Circuit Bench of Calcutta High Court
at Jalpaiguri**

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sm 03.04.
2019

C.O.10 of 2019

Sri Amar Chand Daga and Ors.

Versus

**M/s. Suryabanshi Prasad Chandrabanshi Prasad
& Anr.**

Ms. Sidhi Sethia,
Ms. Rima Sarkar,
Mr. Amit Sinha.

.....for the petitioners.

Petitioners in the present revisional application is aggrieved by the order dated 2nd March, 2019 passed by the Additional District Judge, (1st Court), Siliguri, hereinafter (1st Appellate Court), whereby the court recorded the desire of the trial court that the suit premises should remain intact at least till disposal of the suit. This order was passed by the 1st Appellate Court in connection with an application preferred by the opposite parties /plaintiffs under Section 151 of the Code of Civil Procedure in the pending Misc. Appeal Case No.6 (2) 2019 instituted by the petitioners herein being the defendants in the suit.

I am also in ad-idem with the observation of the 1st Appellate Court made in the order dated 2nd March, 2019 that if the petitioners herein being the appellants/defendants before the 1st Appellate Court is allowed to demolish the suit premises, both the appeal as well as the suit will be infructuous considering the nature of the suit and prayer couched therein.

After considering the argument strenuously advanced on behalf of the petitioners herein, I request the Additional District Judge, (1st Court), Siliguri, being the (1st Appellate Court), to expedite the hearing of the Misc. Appeal Case No.6 (2) 2019 which is remaining pending and dispose of the same preferably within a period of four months. It is made clear that no unnecessary adjournments will be granted by the 1st Appellate Court while hearing the Misc. Appeal Case No. 6(2) 2019. Learned advocate representing the petitioners herein is directed to communicate this order to the 1st Appellate Court, as well as the opposite parties within seven days. In addition thereto the registry is also directed to communicate this order to the Additional District Judge (1st Court), Siliguri, within seven days.

With this above observations, this revisional application is disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the learned advocate appearing for the parties on compliance of all requisite formalities.

(Saugata Bhattacharyya, J.)

