

27.11.2020
Item No.03
Ct. No. 23
(Susanta)

(Via Video Conference)

**C.O. 371 of 2020
With
IA NO: CAN 1/2020**

**Ashok Kumar Chowdhury
Vs.
Partha Pratim Chowdhury**

Mr. Kumar Jyoti Tewari,
Ms. Rajlakshmi Ghatak,
... For the petitioner.

Mr.
.... For the Opposite party.

The petitioner suffered an ex parte decree in probate proceeding being O.S No. 48 of 2013 and has filed an application under Order IX Rule 13 of the Code of Civil Procedure registered before the learned 3rd Additional District Judge, Barast, District 24-Parganas(North) being Misc. Case No. 05 of 2017.

The Misc. Case was filed out of time as such an application for condonation of delay is also pending in connection with the said Misc. Case.

The petitioner complains inordinate delay in disposal of the said Misc. Case and the application thereto and he seeks a direction upon the learned Trial Judge for expeditious disposal of the said Misc. Case.

The Courts are yet to resume normal functioning during this COVID-19 pandemic period and at this stage, a specific direction for expeditious disposal of any case, as prayed for, is not warranted.

However, this Court expresses its confidence that the learned Trial Judge shall make all endeavour to dispose of the said Misc. Case expeditiously without entertaining prayer of the parties for any unnecessary adjournment.

C.O. 371 of 2020 is disposed of with the above observation.

The connected application being CAN 1 of 2020 is disposed of accordingly.

There shall be no order as to costs.

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

(Biswajit Basu, J.)