

08,DL,Ct.18
22.01.2021
AJ.

C.O. 565 of 2020

Sri Sudeep Dhar
-Vs-
Kalyani Sarkar

Mr. Arindam Sen,
Ms. Rinku Sen.
... for the petitioner.

The order proposed to be passed in the present application under Article 227 of the Constitution of India would not cause any prejudice to the opposite party, as such service of notice of this application upon the said opposite party is dispensed with.

The petitioner is the plaintiff of the ejectment suit being Ejectment Suit No. 418 of 2016 pending before the learned 6th Judge, Presidency Small Causes Court at Calcutta.

The petitioner complains that the learned Trial Judge since 2018 is fixing the dates for framing issues in the said suit, but the same has not yet been done.

The petitioner, therefore, prays for a direction upon the learned Trial Judge for immediate framing of the said issues and for expeditious disposal of the said suit.

On perusal of records it appears that on January 30, 2018 the learned Trial Judge fixed

April 10, 2018 as the date for framing issues in the suit and on the said date the plaintiff has filed suggested issues, but since then there is no progress in framing the issues in the said suit.

It is really disturbing to note that in a suit for eviction of tenant *inter alia* on the ground of reasonable requirement, issues have not been framed for the last two years.

This Court, therefore, directs the 6th Bench, Small Causes Court at Calcutta or Judge-in-Charge of the said Court to frame the issues in the said suit positively on the next date fixed and to make all endeavour to dispose of the said suit expeditiously.

C.O. 565 of 2020 is disposed of with the above terms.

There shall be no order for costs.

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

(Biswajit Basu, J.)