

S/L 8
15.12.2020
Court. No. 19
GB

C.O. 1060 of 2020

Sk. Matiyur Rahman
Vs.
Sk Serajul Islam & Ors.

(Through Video Conference)

Ms. Shebatee Datta.

...for the Petitioner.

This is an application for expeditious disposal of Title Suit No.96 of 2013 along with J. Miscellaneous Case No.46 of 2013, both pending before the learned Civil Judge, Junior Divison, Haldia, Purba Medinipur.

It is contended by the petitioner that the suit was filed in 2013. The defendants failed to file their written statement and the suit proceeded ex parte. It is further contended that the evidence of P.W.s were going on and in the meantime as there was alleged violation of the order of injunction, the plaintiff/petitioner filed an application for violation of the same under Order 39, Rule 2A of the Code of Civil Procedure. It is further contended by the petitioner that the said application was registered as J. Misc. Case No. 46 of 2013. It is contended that the defendants have been repeatedly praying for adjournments during the hearing of J. Misc. Case No. 46 of 2013 with a plea to file the written objection but the same has not yet been filed.

Records reveal that initially the suit proceeded ex parte and the evidence of P.W.s was going on. Records further reveal that several adjournments had been granted to the defendants allowing them to file their written objection to the Misc. Case.

Having considered the records and having considered the facts as stated hereinabove, in my opinion, justice would be sub-served if the learned court below is directed to dispose of the Title Suit No.96 of 2013 along with J. Misc. Case No.46 of 2013 as expeditiously as possible, preferably within a period of six months from date of communication of this order.

The petitioner is directed to serve copies of this revisional application along with server copy of this order upon the opposite parties within a week from date.

This Court has not gone into the merits of the claims and counter-claims of the parties and the learned court below will proceed independently and in accordance with law.

The revisional application is disposed of.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)