

22.12.2020

BP
Sl. 10

C.O. 3626 of 2018

Suvendu Mallick & Anr.
Vs.
Smt. Shilpi Mallick (Ghosh)

Mr. Dipankar Pal
Mr. Diptendu Banerjee
..for the petitioners.

Mr. Srijib Chakraborty
..for the opposite party.

The defendants have filed the instant application under Article 227 of the Constitution of India challenging the order dated July 27, 2018 passed by the Additional District Judge, 2nd Court, Serampore, Hooghly in Misc. Appeal No. 43 of 2017.

The opposite party herein has filed the suit for declaration that the plaintiff being the married wife of the defendant no.1 has a right to occupy the 'A1' Schedule property and for the further declaration that the 'B' Schedule deed is fraudulent, void and inoperative document and for permanent injunction restraining the opposite parties herein from evicting the petitioner from the 'A1' Schedule property.

In connection with such suit the opposite party herein filed an application under Order 39 Rules 1 and 2 of the Code of Civil Procedure. The learned Trial Judge by an order dated February 15, 2017 passed an order restraining the petitioners herein from dispossessing the opposite party in any manner whatsoever from the suit property till the disposal of the suit. The petitioners herein preferred an appeal being Misc. Appeal No. 43 of 2017 which was dismissed by the learned Additional District Judge, 2nd Court, Serampore Hooghly by a judgement dated July 27, 2018.

The petitioners have challenged the order passed by the learned Court of Appeal below in this civil revisional application.

I have heard the learned advocate of the respective parties and perused the materials on record. It has been uniformly submitted by the learned advocate for the respective parties that the evidence of the plaintiffs in the suit has been completed and the evidence of the defendant is going on. This Court is informed that the next date in the court below is fixed on February 15, 2021 for the evidence of the witness of the defendant.

In my view, justice would be subserved in the instant case if a direction is passed upon the learned

Trial Judge to dispose of the suit expeditiously.

Accordingly, C.O. 3626 of 2018 is disposed of by requesting the learned Civil Judge, Junior Division, 2nd Court at Serampore, Hooghly to dispose of the suit being Title Suit No. 469 of 2016 as expeditiously as possible and preferably by the end of September, 2021 without granting any unnecessary adjournments to either of the parties.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties at an early date.

(Hiranmay Bhattacharyya, J.)

