

09.10.2020
D/L - 3
(PP)

C.O. 1217 of 2020
with
IA No: CAN 1 of 2020

(via video conference)

Subham Paul
Vs.
Smt. Sankari Mondal & Ors.

Mr. Devajyoti Barman,
Ms. Sanjukta Basu Mallick
....for the petitioner.

Ms. Shohini Chakraborty
.....for the O. P. No.7.

Mr. Sourav Sengupta
.....for the O. P. Nos.13 & 14.

An application for police help made by the plaintiff on 25th November, 2019 in Title Suit No.229 of 2018 now pending before the learned Civil Judge (Senior Division), 1st Court at Baruipur, South 24-Parganas, was directed to be disposed of on its own merits by an order dated 11th February, 2020 passed in C.O. 383 of 2020 (Subham Paul vs. Sankari Mondal & Ors.) within a period of one month from the date of communication of the said order.

The plaintiff says that the court of the learned Civil Judge (Senior Division), 1st Court at Baruipur is lying vacant and a Judge-in-Charge is in seisin of the jurisdiction of the said court. The order dated 11th February, 2020 has been communicated, but the

application for police help has not yet been disposed of. At the time of passing of the order dated 11th February, 2020, there was no contemplation of the pandemic situation which is now prevailing.

It is pointed out by the advocate appearing on behalf of the opposite party no.7 that Bechulal Mondal, being the opposite party no.18, had died on 25th August, 2019 and an intimation to this effect has been provided in the court below on 7th December, 2019.

The communication said to have been made on 7th December, 2019 is, however, disputed by the advocate for the plaintiff.

I am told that the heirs of the opposite party no.18, being the opposite party nos.7 and 8 are already on record and as such, I direct for deletion of the name of the opposite party no.18 in the present revisional application. The plaintiff shall take necessary steps before the court below.

Considering the changed circumstances, let the said application made by the plaintiff on 25th November, 2019 be disposed by the Judge-in-Charge or by the Civil Judge (Senior Division), 1st Court at Baruipur, in the event the vacancy is filled up in the meantime, by 31st December, 2020 without granting any unnecessary adjournments to the parties. The opposite parties shall peremptorily file their affidavits

in opposition to the said application by 21st October, 2020, reply, if any, thereto by 18th November, 2020 peremptorily.

Nothing further remains to be adjudicated in this revisional application. The same is accordingly disposed of without any order as to costs.

Since no affidavits have been called for, allegations made in this revisional application are deemed to have been not admitted by the opposite parties.

(Arindam Mukherjee, J.)