

1st October, 2020
(D/L No.11)
(SKB)

C.O. 1249 of 2020
With
CAN 1 of 2020
(Via Video Conference)

Messrs Reliance Industries Limited
Versus
Nikunja Behari Jana and others

Mr. Sumanta Biswas
... for the petitioner.

Learned Counsel for the petitioner prays for early disposal of Misc. Case No.71 of 2018 arising out of Title Suit No. 124 of 2006.

Counsel submits that the petitioner suffered an ex parte decree in 2015 against which the petitioner filed a recalling application which is Misc. Case No. 71 of 2018. Counsel submits that there has been an inordinate delay in hearing the matter before the concerned court, although the petitioner's advocate has taken all requisite steps in filing necessary pleadings etc. Counsel submits that the plaint in the suit was amended by the opposite party no.1 in July, 2018 and various other factors attributed to the continuing delay in the year. It has also been submitted that repeated adjournments were granted by the concerned court to the defendants/opposite parties which has prevented hearing of the recalling application filed by the petitioner.

The immediate prejudice shown by the petitioner is that the plaintiff/opposite party no.1 will take advantage

of the ex parte decree which has been passed in favour of the plaintiff. Counsel submits that the next date of hearing in the miscellaneous case has been fixed on 19th October, 2020.

Having regard to the above facts, this Court is of the view that appropriate directions should be given on the learned 2nd Civil Judge (Junior Division), Paschim Medinipur to expeditiously dispose of the Miscellaneous Case M.J.C. No. 71 of 2018 arising out of Title Suit No. 124 of 2016. The concerned court is requested to hear the aforesaid case from 19th October, 2020 on the regular basis and dispose of the same without granting unnecessary adjournments to either of the parties preferably within a period of three months from the first date on which such case is heard, namely, on 19th October, 2020.

C.O. 1249 of 2020 is disposed of in terms of the above alongwith the application being CAN 1 of 2020 is disposed of.

Petitioner is directed to serve copies of this order to the opposite parties.

(Moushumi Bhattacharya, J.)