

3rd December, 2020
(D/L No.14)
(SKB)

C.O. 1463 of 2020
(Via Video Conference)

Nuruddin Sardar
Versus
Abdul Majed Sardar and others

Mr. Subhadeep Ghosh
... for the petitioner.

The petitioner is the defendant no.1 in a suit filed before the Civil Judge (Senior Division), Basirhat, North 24 Parganas. The suit is for declaration with regard to certain properties which are in dispute between the parties.

Learned Counsel appearing for the petitioner submits that the suit was filed in January, 2019 and that there has been no progress in the suit since then. Counsel places a few orders passed in the proceedings culminating in an order dated 6th March, 2020 wherein the petition filed by the plaintiff under Section 151 of the Code of Civil Procedure was allowed with a direction to the police to visit the suit property and orders thereafter by which the proceedings were adjourned from time to time. The last order is of 25th September, 2020 where the suit has been adjourned to 28th January, 2021.

Affidavit of service is on record.

On perusing the orders passed in the suit subsequent to 6th March, 2020, it is found that the reason given for adjourning the proceedings is the outbreak of the pandemic. That is also the reason given

in the last order passed in the proceedings on 25th September, 2020.

This Court is of the view that since the suit is of January, 2019, the ground of the pandemic cannot be used on the repeated basis since courts all over the State have started to function at least from June/July, 2020.

In view of the above, the learned Civil Judge (Senior Division), Basirhat, North 24 Parganas, is requested to expedite the hearing of the suit including framing all issues by fixing date prior to 28th January, 2021. Learned judge is also requested to make the effort to conclude the hearing of the suit and dispose of the same within four months from the date on which the suit is first taken up for hearing.

C.O.1463 of 2020 is disposed of in terms of the above. The petitioner is directed to serve copy of this order on the respondents without 48 hours from today.

(Moushumi Bhattacharya, J.)