

03rd December, 2020

AK

C.O.1473 of 2020

(Via Video Conference)

Sri Mukunda Chakraborty.

-vs-

Sri. Suman Kumar Sau & Ors.

Sk. Sahajahan Ali

.....for the petitioner.

Learned counsel for the petitioner prays that a suit filed for eviction pending in the court of the learned Civil Judge (Junior Division), District Court at Contai, Purba Medinipur be expedited. The petitioner is the plaintiff in the suit.

Counsel submits that after proceedings filed under Order IX Rule 13 of the CPC in 2014, there has not been any progress in the hearing of the suit.

Counsel submits that in the last order dated 6th April, 2018, the learned court below recorded that the Commissioner's report is awaited and that no such report has been filed in the proceeding till date.

On hearing learned counsel for the petitioner and on perusing the records in the matter, this court is of the view that a suit filed in 2013 and renumbered in 2014 should have made considerable progress in the last six years notwithstanding the disruption of the functioning of the courts from April 2020 due to the pandemic. The last order passed in the proceeding indicates that the suit has been fixed for hearing on 17th January, 2021.

This court is of the view that the learned court below should take steps for expediting the hearing of the suit including ensuring that the Commissioner's report is filed without any further delay so that the hearing of the suit can commence as soon as possible.

C.O.1473 of 2020 is accordingly disposed of with a direction on the learned Civil Judge (Junior Division),

First Additional Court at Contai, Purba Medinipur, to fix a date prior to 17th January, 2021 and make a sincere effort to hear and dispose of the suit within four months from the date on which the suit is taken up for hearing.

(Moushumi Bhattacharya, J.)