

S/L 10
22.12.2020
Court. No. 19
GB

C.O. 1554 of 2020

Sri Bijoy Kumar Sarkar
Vs.
Bimal Dutta Chowdhury & Ors.

(Through Video Conference)

Mr. Sabyasachi Mukherjee.

...for the Petitioner.

An apology has been made on behalf of the petitioner through his learned advocate that by mistake an incorrect statement has been made in the revisional application to the effect that the learned court below allowed an adjournment to the opposite party no.1 although on that particular date it was the petitioner, who prayed for time. However, this mistake appears to be due to a misunderstanding in the communication made by the petitioner to his learned advocate. The petitioner is cautioned that such a mistake should not occur in future.

The prayer made in this revisional application is an innocuous one.

The petitioner has asked for expeditious hearing of Misc. Case No.57 of 2017 pending before the learned Civil Judge, Junior Division, 2nd Court at Barasat, which is an application under Order IX, Rule 13 of the Code of Civil Procedure filed by the opposite party no.1 for setting aside the ex parte decree passed in Title Suit No.50 of 2004.

Records reveal that the learned court below had appointed an *amicus curiae*. It further appears that dates

have been fixed for hearing of an application under Section 151 of the Code of Civil Procedure filed by the opposite party no.1 dated July 25, 2019. The said application has not yet been disposed of.

Under such circumstances, without expressing any view on the merits of the case, this revisional application is disposed of with a direction upon the learned Civil Judge, Junior Division, 2nd Court at Barasat to dispose of the application dated July 25, 2019 on its own merits within two weeks from the next date fixed upon affording an opportunity to all concerned to contest the proceeding.

It is further requested that the learned court below shall dispose of the Misc Case No.57 of 2017 as expeditiously as possible keeping in mind the age of the suit, which is of 2004. As normalcy has slowly been restored in the learned court below, it is expected that the Misc. Case No.57 of 2017 shall be disposed of within a period of four months from date.

The petitioner is directed to serve copies of this revisional application along with server copy of this order upon the opposite parties within the course of seven days.

The revisional application is disposed of.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)