

S/L 11
22.12.2020
Court. No. 19
GB

C.O. 1556 of 2020

Sambhunath Roy
Vs.
Harendra Prosad Roy

(Through Video Conference)

Mr. Sabyasachi Mukherjee.

...for the Petitioner.

This is an application praying for expeditious disposal of a petition filed under Section 151 of the Code of Civil Procedure in connection with Title Suit No.280 of 2014, pending before the learned Civil Judge, Senior Division, 1st Court at Barasat.

The petitioner is the plaintiff in the partition suit. It is submitted that a petition under Section 151 of the Code of Civil Procedure was filed for repair of the dilapidated structure on the portion occupied by the plaintiff on February 7, 2019. It is submitted that pendency of the said application is causing regular hardship to the plaintiff.

This Court has not gone into the merits of the claims of the plaintiff. This Court also does not express any view with regard to the merits of the application filed by the plaintiff. The plaintiff prays for a direction upon the learned court below for disposal of the pending application for repairing. It is also submitted that the written objection has already been filed to the said petition.

Under such circumstances, this revisional application is disposed of without consideration of the merits of the claims of the petitioner but with a direction upon the learned Civil Judge, Senior Division, 1st Court at Barasat to dispose of the petition under Section 151 of the Code of Civil Procedure filed by the plaintiff on February 7, 2019 as expeditiously as possible, preferably within a period of one month from the next date fixed upon affording an opportunity of hearing to all the parties and without giving unnecessary adjournments to either of the parties.

The petitioner is directed to serve copies of this revisional application along with server copy of this order upon the opposite party 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.)