

22.12.2020
Sl. No.16
srm

C.O. No. 1599 of 2020

Debasish Nandy

Vs.

Bimal Kumar Pal

Mr. Abdur Rakib

...for the Petitioner.

The petitioner is the defendant No.2 in a partition suit being Title Suit No.53 of 2010 pending before the learned Civil Judge (Senior Division)-cum-Assistant Sessions Judge at Baruipur, District - 24-Pargnas (South).

Records reveal that the suit was decreed in a preliminary form. As the parties failed to partition the suit by meets and bounds amicably, by an order dated February 23, 2017, a learned Advocate had been appointed as a partition commissioner to perform the work of investigation and effect partition as per the preliminary decree and file a report within six months from issuance of the writ.

It is submitted that the learned Advocate-Commissioner has already investigated the property but the report has not been filed. It is submitted that the directions may be issued upon the learned Court below to dispose of the suit expeditiously.

As this is an innocuous prayer, service upon the opposite party can be dispensed with. This Court is not going

into the merits of the claim and counterclaim of the parties. However, for the ends of justice, this Court directs the learned Civil Judge (Senior Division)-cum-Assistant Sessions Judge at Baruipur, District - 24-Pargnas (South) to ensure expeditious disposal of the Title Suit No.53 of 2010 without granting unnecessary adjournments to either of the parties, preferably within a period of six months from the date of communication of this order.

Considering the age of the suit and the fact that the preliminary decree was passed sometime in 2011, this Court feels that the proceeding should be expedited. However, this Court has not made any observation with regard to the merits of the case and the learned Court below shall proceed independently.

The learned Advocate-on-record for the petitioner is directed to serve copies of this revisional application upon the contesting defendants or their learned Advocate appearing in the learned Court below along with a server copy of this order within a period of seven days.

This revisional application is, thus, 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.)