

S/L 16
12.01.2021
Court. No. 19
GB

C.O. 38 of 2021

Gopal Chandra Garani Alias
Gopal Chandra Gharami
Vs.
Smt. Rupa Samanta & Ors.

(Through Video Conference)

Mr. Gautam Das

...for the Petitioner.

This is an application filed by the defendant in Title Suit No.90 of 2019 praying for expeditious disposal of an application under Order 39, Rule 4 of the Code of Civil Procedure filed for vacating ex parte ad interim order passed by the learned trial court. It is submitted that the plaintiffs have also filed their written objection. The said application is pending for more than a year.

The Court cannot be faulted for the pendency of this application as the functioning of the court was disrupted during the pandemic situation and also due to the absence of the learned Presiding Officer.

It is submitted that the application has been fixed for hearing on January 18, 2021 before the learned Judge-in-charge.

Records reveal that the arguments had proceeded to a considerable extent, but the learned Presiding Officer went on leave and the matter could not be taken up. Now, it is informed that there is a Judge in-Charge in the Court.

Under such circumstances, it is directed that either the learned Civil Judge (Junior Division) Additional Court at Sealdah or the Judge-in-Charge of the said Court should hear out the application as expeditiously as possible, preferably within a period of two months from date of communication of this order upon affording an opportunity of hearing to all concerned.

This Court has not gone into the merits of the claims and counter-claims of the parties and the learned trial judge will proceed independently and in accordance with law.

Petitioner is directed to serve copy of this revisional application along with a server copy of this order upon the opposite parties within 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.)