

19.08.2021
(S/L-07)
Ct.-18
(Susanta)

(Via Video Conference)
C.O. 39 of 2020

Smt. Chaitali Ghosh
-Vs-
Smt. Minoti Roy

Mr. Subir Banerjee,
..... For the Petitioner.

Leave as prayed for by Mr. Subir Banerjee, learned advocate for the petitioner, is granted to correct the Cause title of the revisional application.

Affidavit-of-service filed in Court today on behalf of the petitioner be kept with the record.

The instant application under Article 227 of the Constitution of India is at the instance of the defendant in a suit for recovery of possession upon declaration that the defendant by virtue of the deed impugned in the suit has not acquired any title over the suit property.

The said suit being Title Suit No. 429 of 2016 is pending before the 4th Court of learned Civil Judge (Junior division) Serampore, Hooghly.

The learned Trial Judge by the order impugned has dismissed an application filed by the petitioner praying a direction upon the plaintiff/opposite party to connect the water connection as well as sewerage line in the suit property holding that there is no allegation or

averment in the original written statement regarding enjoyment of water connection as well as sewerage line in the suit property but the same was subsequently inserted by way amendment.

Heard Mr. Banerjee, perused the materials on record.

Materials-on-record do not inspire this Court to hold that the opposite party has caused disruption of essential services in the suit property which the petitioner used to enjoy, that apart the suit has reached the stage of peremptory hearing.

This Court for the aforesaid reasons is not inclined to interfere with the order impugned.

However, the suit since is at the peremptory board stage the learned Trial Judge is requested to dispose of the suit as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

C.O 39 of 2020 is disposed of with the above order without any no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)