

03.12.2021
SL No.31
Court No.8
(gc)

**FMA 1284 of 2017
With
CAN 1 of 2017
(Old No: CAN 783 of 2017)**

**Amita Chatterjee (Banerjee)
Vs.
Ashok Kumar Banerjee (Bandyopadhyay) & Ors.
(Via Video Conference)**

Mr. Gopal Chandra Ghosh,
Ms. Anyasha Das,
...for the Appellant.

We have heard Mr. Gopal Chandra Ghosh, learned Counsel for the appellant.

The respondents are not represented.

The appeal was admitted on 12th September, 2017 and notice was issued. The appeal is arising out of an order dated 26th September, 2016 in a partition suit in which the learned Civil Judge (Senior Division) 1st Court at Barasat allowed the prayer of the appellant to the extent that the defendants could not create any third party interest in respect of the suit property through developers or anybody else from owner's allocation till disposal of the suit. This order has remained without being unaltered till today.

We feel that no fruitful purpose would be served to keep this appeal pending. We presume that progress has been made in the hearing of the suit. However, in the event the suit is not otherwise ready for hearing, we

direct the learned Civil Judge (Senior Division) 1st Court at Barasat to pass peremptory directions with regard to the procedural matters in order to make suit ready for hearing and to dispose of the suit preferably within a period of one year from the date of framing of issues. All directions are to be peremptory in this regard.

Accordingly, the appeal and the connected application are disposed of.

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

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)