

02.12.2021
SL No.49
Court No.8
(gc)

**FMA 529 of 2017
With
CAN 1 of 2017
(Old No: CAN 1171 of 2017)**

**Tapas Laha @ Tapas Kumar Laha
Vs.
Ira Dutta & Ors.**

(Via Video Conference)

Mr. Debanjan Mukherjee,
Mr. Shuvajit Bose,
...for Appellant.
Mr. Kamal Pathak,
...for the Respondent No.2.
Ms. Debanjana De,
...for the Respondent Nos.4 & 5.

We have heard the learned Counsel for the parties.

It appears that an interim order was initially passed on 6th March, 2017 directing the parties to maintain status quo with regard to possession. By a subsequent order dated 24th April, 2017, the interim order was extended until further order. In view of the fact that the said interim order is continuing for almost three years, no useful purpose would be served to keep the appeal pending. Moreover, we have been informed that the learned Trial Court has fixed the matter for framing of issues. The matter did not proceed before the Trial Court thereafter in view of the pendency of the appeal.

We, accordingly, dispose of the appeal by extending the interim order till 31st December, 2022 by which time the learned Trial Judge is expected to dispose of the suit

on merits. In the event the suit could not be disposed of within the aforesaid time due to any unavoidable reason, parties may approach the Trial Court for extension of the interim order which shall be considered on merits without being influenced by any observation made by us in this order. Parties are directed to complete their pleadings if not completed by 31st December, 2021. In the event the written statements are not filed before 31st December, 2021, no further extension shall be granted and the learned Trial Judge shall proceed with the suit ex parte. In the event any counter-claim is made, the plaintiff shall be entitled to file further pleadings in relation to the counter-claim by 15th January, 2022. The written statements shall be served upon Ms. Debabeena Mukherjee, learned Advocate representing the appellant in this proceeding on or before 31st December, 2021. However, in the event the pleadings are completed, the Trial Judge shall settle the issue at the earliest and proceed with the trial of the suit with utmost expedition. The learned Trial Judge if required shall pass peremptory directions with regard to the procedural matters in order to make the suit ready for hearing and proceed with the hearing of the suit as expeditiously as possible. All directions to be passed by the learned Trial Judge shall be peremptory.

With the aforesaid direction, the appeal being FMA 529 of 2017 and the application being CAN 1 of 2017 (Old No: CAN 1171 of 2017) are disposed of.

However, there shall be no order as to costs.

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.)