

20.01.2021  
Court No. 19  
Item No.13  
CP

C.O. 91 of 2021

Minati Roy & ors.

vs.

Asim Ghosh & ors.

(via video conference)

Mr. Saptansu Basu, Sr. Adv.

Mr. Subhabrata Das

Mr. M. Majumdar

....for the petitioner.

This revisional application has been filed for expeditious disposal of the application for substitution filed by the plaintiffs in Title Suit No. 31 of 2004 and also the application under Order 39 Rule 2(a) of the Code of Civil Procedure.

The petitioners submits that dates have been fixed for hearing of the applications but there has been delay in disposal of the application for substitution, which has not yet been taken up for hearing.

Under such circumstances, this revisional application is disposed of with a direction upon the learned court below to dispose of the application for substitution as expeditiously as possible, preferably within a period of a month from the next date fixed. Upon disposal of the application for substitution, the application under Order 39 Rule 2(A) shall be disposed of within a period of two months thereafter.

Opposite parties are at liberty to file a written objection if any, if not already filed in connection with the said applications.

The time limit fixed hereinbefore, is mandatory and the learned court below shall comply with the same unless the court is prevented by serious reasons for not being able to proceed with the orders.

Petitioners are directed to serve a copy of the revisional application along with the server copy of this order upon the learned advocates appearing on behalf of the defendants/opposite parties in the court below.

This court has not gone into the merits of the claims of the petitioner and the learned court below will proceed independently and in accordance with law. This court has also not made any observations on the merits of the applications pending before the learned court below.

The revisional application is disposed of. There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible subject to compliance of all usual formalities.

**(Shampa Sarkar, J.)**