

S/L 16  
22.01.2021  
Court. No. 19  
GB

C.O. 131 of 2021

Akter Ali & Ors.

Vs.

Durjadhan Mal (since deceased), substituted by  
his son Tarun Mal & Ors.

(Through Video Conference)

*Mr. Mukteswar Maity,*  
*Ms. Manika Sarkar.*

*...for the Petitioners.*

This revisional application has been filed for expeditious disposal of Misc. Case No.59 of 2007 filed in connection with Title Suit No.3 of 2005, pending before the learned Civil Judge (Junior Division), 2<sup>nd</sup> Court at Rampurhat.

It is submitted that the suit was at the stage of framing issues. During the pendency of the suit, some of the defendants expired and an application for substitution upon setting aside abatement upon condonation of delay was filed under the provisions of Order 22, Rule 9 of the Code of Civil Procedure. It is submitted that the said application is still pending.

Without going into the merits of the claim of the petitioners and without deciding the maintainability of the application filed before the learned court below, this revisional application is disposed of with a direction upon the learned court below to dispose of the pending application

being Misc. Case No.59 of 2007 filed in connection with Title Suit No.3 of 2015 as expeditiously as possible, preferably within a period of two months from the next date fixed.

The learned court below will proceed independently and in accordance with law and decide the matter on its own merits without being influenced by any observations made hereinabove.

The petitioners are directed to serve copies of this revisional application along with a server copy of this order upon all the opposite parties and also upon the learned advocate appearing on behalf of the opposite parties in the learned court below.

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.)**