

05,DL,Ct.18.
29.01.2021
AJ.

C.O. 196 of 2021

(Through Video Conference)

Pawan Kumar Jhunjhunwala
-Vs-
Sandip Mitra & Ors.

Mr. Chyan Gupta,
Mr. Ritick Chowdhury.
... for the petitioner.

The petitioners had suffered an eviction decree and aggrieved by the said decree has preferred the connected Ejectment Appeal No. 9 of 2018 which is pending before the learned District Judge at Alipore.

The petitioners in the said appeal have filed an application under Section 151 of the Code of Civil Procedure for restoration of possession alleging that they have been illegally dispossessed from the suit property during the pendency of the said appeal.

The learned District Judge, by the order impugned, being Order No.23 dated January 15, 2021 has directed the petitioners to serve a copy of the said application fixing February 19, 2021 as the date of hearing of the said application in presence of both the sides.

This Court does not find any illegality in the procedure adopted by the learned appeal court below in disposing the said application.

However, considering the grave nature of allegation, the learned District Judge is requested to dispose of the said application expeditiously without granting any unnecessary adjournment to either of the parties.

C.O. 196 of 2021 is disposed of with the above terms. 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.)