

Item No. 12

In The High Court At Calcutta
Civil Revisional Jurisdiction
(via video conference)

03.02.2021
Ct-19

C.O. No.223 of 2021
Md. Sayem Ali @ Md. Sayam Ali Mondal & Anr.
v.
Md. Sabir Ali

Mr. D.K. Adhikari
Mr. Dippesh Basu
Mr. Debdip Adhikari
...for the petitioners.

This revisional application has been filed by the defendants in Title Suit No. 446 of 2015 pending before the learned Civil Judge, Junior Division, 2nd Court at Barasat, North 24-Parganas.

The petitioners are aggrieved by the long pendency of the title suit in the learned Court below. The petitioners are the defendants in the learned Court below. It is the contention of the petitioners that although, the suit has been fixed for evidence and recording of evidence is going on, the suit has not progressed. The petitioners pray that the learned Court below be directed to expedite the disposal of the title suit.

The prayer is innocuous. It is also submitted that no inter locutory applications are pending. The certified copy of the orders reflect that the suit is at the stage of evidence.

Under such circumstances, this Court feels that justice will be sub-served, if the learned Court below is directed to dispose of Title Suit No. 446 of 2015 within a period of eight weeks from the next date fixed, without granting any unnecessary adjournments to either of the parties. The Court has not gone into the merits of the suit. The Court has not made any observation with regard to the claims of the petitioners. The learned Court below shall dispose of the suit entirely on its own merits independently and in accordance with law.

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

The revisional application being Co. No. 223 of 2021 is disposed of.

Urgent photostat certified copy of this order
be given to the parties on priority basis, if the
same is applied for.

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(Shampa Sarkar, J.)