

22.12.2021
SL No. 51
Court No.19
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C.O. No 361 of 2019

Minoti Bagchi & Ors.
Vs
Shyam Sundar Agarwal & Ors.
(Via Video Conference)

This revisional application has been preferred with a prayer for directing the Learned Civil Judge (Junior Division), 2nd Court at Sealdah to dispose of the Ejectment Suit No. 91 of 2009 expeditiously.

It is averred that the petitioner/plaintiff filed the Ejectment Suit against the opposite party being aforesaid Ejectment Suit No. 91 of 2009 for eviction of the opposite party/defendant/tenant on the ground of default, reasonable requirement along with other grounds. The defendant appeared in the said suit and filed application under section 7(1) and 7(2) of the West Bengal Premises Tenancy Act.

It is stated that on several dates, the case are being adjourned on the ground of adjournment prayer made by the defendant's lawyer or due to learned Court's occupancy with hearing other matters. On a previous occasion, this Court while disposing C.O. 4114 of 2001 was pleased to pass order directing the Court below to proceed

expeditiously with regard to the Ejectment Suit. A considerable period of time has already been passed since the aforesaid order was made in C.O. 4114 of 2001 but it is evident from the order sheet that the defendants with some oblique motive is dragging the said Ejectment suit No. 91 of 2009 and had unnecessarily sought adjournments. The issues were framed and the suit was first posted for peremptory hearing on 1st September, 2017. Finally, the cross-examination of PW 1 is completed and the case was posted for defence witness. The defendant's examination-in chief could not be conducted, as the defendant sought for adjournments on March 14, 2018 and May 17, 2018. On June 14, 2018, the defendant's witness was examined in part but thereafter, the Court was on leave on August 13, 2018 and November 14, 2018 and hence, examination-in chief of defence witness is still pending. The petitioner No. 1 is an octogenarian and is suffering from various ailments but unfortunately, the acts of the defendants and for seeking adjournments for various frivolous reasons, the case is being dragged unnecessarily and accordingly he has prayed for a direction upon Civil Judge (Junior Division), 2nd Court at Sealdah to dispose of the Ejectment Suit within a short span of time.

Perused documents available in the records and in the facts and circumstances of the case, I dispose of the present Civil Revision No. 361 of 2019 with a direction upon the Learned Civil Judge (Junior Division), 2nd Court at Sealdah to dispose of the Ejectment Suit No. 91 of 2009 within a period of six months from the date of receipt of order without giving unnecessary adjournment to either of the parties.

C.O. 361 of 2019 is, thus, disposed of accordingly.

(Ajoy Kumar Mukherjee, J.)