

28.01.2021
Court No. 19
Item No.5
CP

C.O. 646 of 2020

Prabir Kumar Das
vs.
Pranab Kumar Das

Ms. Srilekha Bhattacharyya

.....for the petitioner.

This revisional application has been filed for a direction upon the learned Civil Judge (Junior Division), 3rd Court, Purba Bardhaman to dispose of Title Suit No. 80 of 2015, expeditiously.

It is the contention of the petitioner, who is the plaintiff in the suit, that although the application under Order 26 Rule 9 of the Code of Civil Procedure was disposed of and an advocate commissioner was appointed, the report of the learned advocate commissioner has not yet been filed in court. As a result of which, the suit is not proceeding.

It appears from the order sheets that the learned court below by order dated September 25, 2019 directed the learned advocate commissioner to submit the commission report as soon as possible. It also appears that on subsequent dates as well, i.e. November 13, 2019 and January 16, 2020 the commissioner's report has not been filed.

Under such circumstances, this revisional application is disposed of with a direction upon the

learned Trial Judge to ensure that the report of the learned advocate commissioner is filed expeditiously, if not filed in the meantime and proceed with the suit in accordance with law on its own merits. The learned court below will make all endeavours to dispose of the Title Suit No. 80 of 2015 along with all pending applications, if any, within a period of one year from the date of communication of this order.

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.

Petitioner is directed to serve a copy of the revisional application along with the server copy of this order upon the opposite party.

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.)