

14,Ct.18.
31.08.2021
AJ.

C.O. 412 of 2021

Sri Prabhakar Kumar Singh & Ors.

-Vs-

Mr. Keng Hsiang Liang

Mr. Souradipta Banerjee,
Mr. Subhojit Mullick.
... for the petitioners.

Mr. Joydeep Guha.
.....for the opposite party.

Ms. Kakali Basu Mallick.
.....Advocate Commissioner.

The present application under Article 227 of the Constitution of India is at the instance of the plaintiffs in a suit for ejectment being Ejectment Suit No.135 of 2015 pending before the 5th Bench, Small Causes Court at Calcutta.

The petitioners complain inordinate delay in completion of the commission work by the learned Advocate Commissioner appointed in the suit.

The learned Advocate Commissioner in terms of the direction passed in the matter is present before this Court and informs that her report is ready which she will file on the next date fixed in the suit.

Mr. Guha, learned advocate appearing on behalf of the opposite party submits that his client may file an exception to the said report.

Be that as it may, the Commission work is complete as such the grievance of the petitioners has already been addressed.

Mr. Banerjee, learned advocate for the petitioners however prays for a direction upon the learned Trial Judge for expeditious disposal of the suit.

There is already a direction passed on December 14, 2018 by the Co-ordinate Bench in C.O. 4191 of 2018 whereby the learned Trial Judge was directed to dispose of the connected ejectment suit as expeditiously as possible, preferably within one working month from the date of communication of the said order.

In view of such a subsisting direction further direction of the same nature is not warranted inasmuch as the learned Trial Judge is obliged to adhere to the said direction.

This Court by way of a reminder is requested to the learned Trial Judge to make all endeavour to dispose of the said suit without any further delay to implement the aforesaid direction passed in C.O. 4191 of 2018 but the exercise must not cross this year subject to the normal functioning of the Court.

C.O. 412 of 2021 is disposed of with the above terms without any order for 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.)