

03.03.2021
Court No. 19
Item No.12
CP

C.O. 429 of 2021

Niranjana Patra
vs.
Chandan Bhowmick & ors.

(via video conference)

Mr. Aritra Shankar Ray

.....for the petitioner.

This revisional application has been filed for expeditious disposal of Title Suit No. 30 of 2003, pending before the learned Civil Judge (Senior Division), Ghatal, Midnapore (West). This is a partition suit.

By an order dated December 5, 2018 a coordinate Bench of this court directed the learned court below to dispose of the suit within a period of three working months from the date of the order. It is submitted that still the said suit has not yet been disposed of.

It is submitted that the partition commissioner has not yet filed the report and, hence, there is the delay in drawing up the final decree.

Under such circumstances, this revisional application is disposed of with a direction upon the learned court below to dispose of the Title Suit No. 30 of 2003 within three months from the next date fixed

in accordance with law upon ensuring that the learned commissioner's report is filed before the learned court below.

This order is being passed without entering into the merits of the case and the learned court below shall proceed independently and without being influenced by any observations made hereinabove.

This order shall also not be construed as an order for acceptance of the report of the learned commissioner and the said question will also be dealt with independently and in accordance with law.

The petitioner is directed to serve a copy of the revisional application along with the server copy of this order upon the learned advocate appearing on behalf of the opposite parties within a week from date.

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.)