

06.04.2021
Sl. No. 28
srm

C.O. No. 461 of 2021
Shri Dilip Kumar Mishra
Vs.
Shri Sanjib Das

Mr. D.K. Adhikari

...for the Petitioner.

This revisional application has been filed for a direction upon the learned Civil Judge (Junior Division), 1st Additional Court at Alipore in Title Suit No.2745 of 2009.

It is submitted that an application for recalling the order fixing the suit for *ex parte* hearing filed by the defendant and a written objection thereto filed by the plaintiff are pending disposal. The plaintiff also filed an application under Section 151 of the Code of Civil Procedure for early hearing of the said application.

Records also reveal that the written statement has been filed by the defendant along a counterclaim but the same has not yet been accepted due to the pendency of the application.

Under such circumstances, without going into the merits of the claim and counterclaim of the parties and also without going into the merits of the suit, this revisional application is disposed of with a direction upon the learned Court below to expedite the hearing of the pending

applications as also the suit. The pending applications should be disposed of within a period of two weeks from the next date fixed and upon the result of the said pending application, the suit should be disposed of expeditiously.

The learned Court below will proceed independently and without being influenced by any observation made hereinabove.

The learned Advocate-on-record for the petitioner is directed to serve a copy of this revisional application upon the opposite party as also the learned Advocate for the opposite party appearing in the Court below along with a server copy of this order within this week.

The revisional application is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)