

07,Ct.18
07.10.2021
AJ.

C.O. 847 of 2020
(Via Video Conference)
Ismat Ara Khatoon
-Vs-
Nurus Sabah Khatoon

Mr. Arnab Roy.
....for the petitioner.

The order proposed to be passed in the present application under Article 227 of the Constitution of India would not cause any prejudice to the opposite party as such, service of notice of the present application upon the said opposite party is dispensed with.

The petitioner of the present application is the plaintiff of the partition suit being Title Suit No. 43 of 2005 pending before the 6th Court of the learned Civil Judge (Senior Division) at Alipore, District 24-Parganas (South).

The petitioner complains inordinate delay in disposal of the said suit and prays for a direction upon the learned Trial Judge for expeditious disposal of it.

The certified copy of the order sheet indicates that the partition commissioner has already submitted his report and the learned Trial Judge is fixing dates for hearing on the said report.

Mr. Arnab Roy, learned advocate appearing on behalf of the petitioner informs this Court that January 05, 2022 is the next date fixed for the said hearing.

The suit is pending since 1998. The report of the partition commissioner is complete, therefore, there cannot be any plausible reason for deferring of the disposal of the said suit further.

The 6th Court of the learned Civil Judge (Senior Division) at Alipore, District 24-Parganas (South) is requested to dispose of the Title Suit No. 43 of 2005 as expeditiously as possible, preferably within a period of three effective working months of the Court below from the date of communication of the this order and in doing so, shall not grant any unnecessary adjournment to either of the parties.

C.O. 847 of 2020 is disposed of with the above terms without any order as to costs.

The petitioner is required to communicate this order to the learned advocate for the opposite party in the Court below within a week after reopening of the Trial Court following the Puja vacation.

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.)