

S/L 33
09.03.2021
Court. No. 19
GB

C.O. 520 of 2021

Shri Amal Krishna Saha
Vs.
The Deputy Magistrate and Deputy Collector,
Refugee Relief Rehabilitation Section & Ors.

(Through Video Conference)

Mr. Manjit Singh,
Mr. G. Singh,
Mr. Biswajit Mal.

...for the Petitioner.

This revisional application has been filed praying for expeditious disposal of Title Suit No.429 of 2017 pending before the learned Civil Judge (Junior Division), 1st Court, Barasat, District 24 Parganas (North).

The petitioner is the plaintiff in the said suit. It is contended that several dates have been fixed by the learned court below but the suit has not progressed.

Records reveal that the suit was fixed *ex parte* against the defendant no.1. The defendant nos.2 to 11 had already filed their written statements, which had been accepted by the learned court below.

It appears that on July 9, 2018 the defendant no.1 filed the written statement along with an application for vacating of the order fixing the suit for *ex parte* hearing and a show-cause. It also appears from the records that the dates have been fixed for hearing of the application filed by the defendant no.1 and the show cause petition. It appears that

as the said show cause petition and the application was affirmed by a Tadbirkar, who did not have any authorization the learned court below directed that authorization from the defendant no.1 should be produced before the learned court below. Hence such issues have led to the delay.

Under such circumstances, this revisional application is disposed of with a direction upon the learned court below to dispose of the applications upon giving one last opportunity to the Tadbirkar of the defendant no.1 to file an appropriate authorization letter. The said applications filed by the defendant no.1 should be disposed of within two months from the next date fixed. Upon conclusion of the hearing of those applications and on the fate of those applications, the title suit shall be disposed of expeditiously which is already at the stage of framing of issues, preferably within a year therefrom.

This Court has not gone into the merits of the claims of the petitioner and the learned court below shall proceed independently and in accordance with law.

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

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.)