

**HRISHIKESH MAITY VS. JAYANTA SAHA
& ORS.**

**Mr. Sourav Sen
Ms. Sumitra Das
..for the petitioner**

This revisional application has been filed for a direction upon the learned Civil Judge, Junior Division, 2nd Court, Alipore, District South 24 Parganas to hear out and dispose of the application for appointment of “Receiver” under Order 40 Rule 1 of the Code of Civil Procedure.

The revisionist is the plaintiff in the title suit.

The plaintiff/petitioner filed an application for appointment of Receiver on November 12, 2013. Records reveal that the said application has not yet been disposed of. It is informed that the written objection to the said application has already been filed on September 3, 2014. It also appears that the suit although is of 2009, there has been no progress in the suit.

Under such circumstances, this revisional application is disposed of with a direction upon the learned Court below to dispose of the application under Order 40 Rule 1 of the Code of Civil Procedure within

period of one month from the next date fixed. Upon disposal of the said application, the learned Court below shall hear out the suit expeditiously and dispose of the same preferably within a year thereafter.

The learned Court below will decide the application as also the suit independently. This court has not made any comments on the merits of the case.

The petitioner is directed to serve copies of the revisional application along with a server copy of this order upon the opposite parties and the learned Advocate in the learned Court below within a week from date.

This revisional application is disposed of.

There will be however no order as to costs.

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

(Shampa Sarkar,J.)

