

**SUDHIR KUMAR BANERJEE & ANR.VS.
SMT. MAITRAYEE CHAKRABORTY & ANR.**

**Mr. Suchit Kumar Banerjee
Mr. Indranil Banerjee
..for the petitioners**

This revisional application has been filed by the petitioners praying for expeditious disposal of the Title Suit No. 318 of 2018, which has been renumbered as Title Suit No. 24 of 2020, pending before the learned Civil Judge, Senior Division, Alipore, District South 24 Parganas.

Mr. Banerjee, learned Advocate for the petitioners submits that several dates have been fixed for peremptory hearing of the suit as a last chance. Record reveals that issues have been framed and as many as on 13 occasions, peremptory hearing of the suit have been fixed with the last chance. It is also submitted that the Court is lying vacant and no new Presiding officer has been appointed. Mr. Banerjee further prays that directions be issued to transfer the suit to another Court so that the same can be expedited.

This prayer cannot be entertained by this Court as there is a specific provision under the Code of Civil Procedure for seeking transfer for appropriate

reasons. Yet, this Court finds that the suit has been pending for two years and has not progressed since February 5, 2019.

Under such circumstances, this revisional application is disposed of with a direction upon the learned Court below to expedite the hearing of the suit and dispose of the same within a reasonable time without further delay. In case the Court is still vacant, then the petitioners shall be at liberty to approach the learned District Judge with appropriate prayers. In view of the fact that the petitioner no.1 is physically handicapped and also seriously ill, the prayers for expeditious disposal of the suit has been made.

This Court has not gone into the merits of the contentions raised by Mr. Banerjee. The appropriate Court will deal with the prayers and contentions as per law. If any application is filed by the petitioners before the learned District Judge, then the same shall be considered on merits and in accordance with law, upon allowing the defendants to contest the same. If the Presiding Officer assumes office and the suit is taken up for hearing, the same will also be disposed of expeditiously in accordance with law without being influenced by any observations made hereinabove.

The learned Advocate for the petitioners is directed to serve a server copy of this order upon the

opposite parties as also the learned Advocate for the opposite parties in the learned Court below immediately.

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.)

