

**In the High Court at Calcutta
Civil Revisional Jurisdiction
Appellate Side**

C.O. No. 694 of 2021

**Arup Ratan Gooptu
-Vs.-
Anil Rathi**

Mr. Shounak Ghosh
...for the petitioner

The innocuous prayer made in the instant application under Article 227 of the Constitution of India is for expeditious disposal of an application filed by the plaintiff/petitioner under Order XXXVIII Rule 5 of the Code of Civil Procedure in connection with Title Suit No. 669 of 2019, pending before the Civil Judge (Senior Division), Sixth Court at Alipore.

In view of the nature of the order proposed to be passed, no prior service of notice on the opposite party is deemed necessary.

Learned counsel appearing for the petitioner fairly submits that the Sixth Court of Civil Judge (Senior Division) at Alipore is vacant at present and the interlocutory matters are being taken up by the presiding officer of some other court in charge of the matters.

However, since the application-in-question is pending since the year 2019, the court in charge of the matters is required to dispose of the petitioner's application as expeditiously as possible. However, keeping in mind the pandemic situation and the staggered manner in which district courts are functioning, a reasonable time ought to be given to the learned Trial Judge for such disposal.

Accordingly, C.O. No. 694 of 2021 is disposed of by requesting the Civil Judge (Senior Division), Sixth Court at Alipore and/or any other court in charge of the matters of the said court, to dispose of the application filed by the petitioner under Order XXXVIII Rule 5 of the Code of Civil Procedure in Title Suit No. 669 of 2019, pending before the said court, upon giving proper opportunity of hearing to both sides, as expeditiously as possible, preferably within two months from the date of communication of this order to the said court.

The petitioner shall communicate this order and supply server copies thereof to the court below as well as to the opposite party and/or to the learned advocate appearing for the opposite

party in the court below, at the earliest to ensure compliance of the direction given above.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the petitioner upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)