

(03)
17.09.2021
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

(Via Video Conference)

CO No. 769 of 2021
Dipak Ghosh
-versus-
Pawan Kumar Singh

Mr. Goutam Das,
Mr. Probal Das,
... for the petitioner.

None appears on behalf of the opposite party in spite of service.

The plaintiff in a suit for eviction of trespassers being Title Suit No. 91 of 2015 pending before the 2nd Court of learned Civil Judge (Junior Division) at Sealdah is the petitioner of the present application under Article 227 of the Constitution of India.

The grievance of the petitioner is that the suit although was fixed for ex-parte hearing at least for three times, but the orders for ex parte hearing were vacated on the prayer of the defendant/opposite party, in spite of that position of the matter, the defendant/opposite party is delaying the disposal of the said suit.

Mr. Goutam Das, learned advocate for the petitioner submits that the defendant/opposite party in the said suit has filed an application under Section 10 of the Code of Civil Procedure in the year 2019 and pendency of the said application is deferring the progress of the suit. Mr. Das prays that the learned Trial Judge may be directed to dispose of the said application and the suit expeditiously.

The pendency of an application under Section 10 of the Code for two years cannot be justified even by the prevailing Covid-19 situation.

Mr. Das files certified copy of the order dated June 25, 2021, which is taken on record wherefrom it appears that April 08, 2022 is the next date fixed for hearing of the said application.

In view of the nature of an application under Section 10 of the Code, the learned Trial Judge is directed that, on production of the server copy of this order, he shall prepone the date of hearing of the said application and dispose it of before the end of this year without granting any unnecessary adjournment to either of the parties and after disposal of the said application, the learned Trial Judge shall proceed to dispose of the said suit expeditiously.

CO 769 of 2021 is disposed of with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the party subject to compliance of all requisite formalities.

(Biswajit Basu, J.)