

11.08.2021
(S/L-12)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 778 of 2021

Somenath Roy
-Vs-
Sankar Roy & Ors.

Mr. Tarak Nath Halder,
..... For the petitioner.

The order proposed to be passed in the present revisional application under Article 227 of the Constitution of India would not cause any prejudice to the opposite parties, as such, service of notice of the present revisional application upon the said opposite parties is dispensed with.

The petitioner is the plaintiff of the connected suit for eviction of licensee being Title Suit No.83 of 2017 pending before the learned Civil Judge (Senior Division), Sealdah, District 24-Parganas (South).

Mr. Tarak Nath Halder, learned advocate for the petitioner submits that the evidence of P.W-1 in the suit was started on February 20, 2018 but same has not yet been concluded. He submits that the grievance of the petitioner is that the disposal of the said suit is being delayed due to the dilatory tactics adopted by the defendant/opposite party no. 1 and prays for a direction upon the learned Trial Judge for expeditious disposal of the said suit.

Heard Mr. Halder, perused the materials-on-record.

It appears from the record that the learned Trial Judge by the order No. 7 dated February 20, 2018 has recorded the conclusion of the evidence-in-chief of the plaintiff and cross-examination in part of the said witness but till date the evidence of the said witness has not been concluded.

Under such circumstances, the grievance of the plaintiff is not unjustified.

It further appears from the record that an application filed by the defendant/ opposite party no. 1 in the suit under Order XXXIX Rule 7 of the Code of Civil Procedure is also pending disposal.

The learned Trial Judge, therefore, is requested to dispose of the said suit and the said application expeditiously, preferably within a period of 12 months from the date of communication of this order and in doing so shall not grant any unnecessary adjournment to either of the parties.

C.O. 778 of 2021 is, thus, disposed of without any orders as to costs.

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

(Biswajit Basu, J.)