

07.10.2021
Item No.2
Ct. No.7
CHC

**C.O.800 of 2021
(Physical Hearing)**

**Joydeb Mondal
Vs.
Basudeb Mondal**

Mr. Keshab Chandra Das,
Mr. Biplab Adak
...for the petitioner

This relates to a prayer for expeditious disposal of a suit being Title Suit No.875 of 2017, now pending before the learned Civil Judge (Senior Division), Chandernagore, Hooghly.

In view of the nature of the order proposed to be made, and the point sought to be addressed by this Court, the Court is of the view that no prior notice is necessary upon the opposite party to address the point now raises, and this may even be disposed of without securing presence of the opposite party. Accordingly, service upon the opposite party stands dispensed with.

Though the matter is listed under "To Be Mentioned" but on the prayer of learned advocate for the petitioner, the case is taken up for hearing and disposal.

Learned advocate for the petitioner submits that the suit was instituted in the year 2003, in which the defendant/opposite party already entered his appearance by filing written statement. Learned court below, according to the petitioner, posted the matter for peremptory hearing long before i.e. in the April, 2019. Subsequently, P.W.1 was examined in part on 1st June, 2019, and since then it is lying deferred resulting in serious prejudice being caused to the plaintiff/petitioner in respect of his valuable rights as regards expeditious disposal of the pending suit.

In such context, learned advocate for the petitioner has proposed for an order so that the pending suit may be expeditiously disposed of.

The Court is not oblivious of the fact that in view of COVID-19 and its proliferation, the ordinary function of the Court has been largely disturbed. However, the instant revisional application be disposed of directing the learned court below to expeditiously dispose of the case providing sufficient opportunities of hearing to either of the parties to this case, but without granting unnecessary adjournment, unless it is extremely unavoidable, so that logical conclusion of the suit may be reached at an early date.

Petitioner is directed to make communication of this order to the opposite party/defendant and his learned advocate as well, apart from making

independent communication to the learned court below.

With the above observations/directions, the instant revisional application stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)