

02.12.2021
Item No. 03
Court No.18
A.J.

C.O. 870 of 2021
(Through Video Conference)

Prolay Modak @ Prolay Kumar Modak & Ors.
-Vs-
Tarapada Hati & Ors.

Mr. Panchanan Hajra.
...for the petitioners.

Mr. Suman Chakraborty.
.....for the opposite party
nos. 1, 2, 4, 6, 7.

Md. Younush Mondal.
....for Mr. Dukhavanjan Acharya,
Advocate Commissioner.

Affidavit-of-service filed in Court be kept
with the record.

The defendants in a suit for declaration of
title and confirmation of possession over the suit
property are the petitioners of the present
application under Article 227 of the Constitution
of India.

The said suit being Title Suit No. 34 of
2014 is pending before the 2nd Court of the
learned Civil Judge (Junior Division), Arambag,
District Hooghly.

The petitioners are complaining inordinate
delay in disposal of the said suit and are praying
for a direction upon the learned Trial Judge for
expeditious disposal of it.

The delay in disposal of the suit is causing
due to non-filing report by the advocate

commissioner as such the said advocate commissioner was directed to be served with a notice.

Md. Younush Mondal, learned advocate appearing on behalf of the said advocate commissioner submits that his client requires one month more time to complete the inspection and to submit the report.

C.O. 870 of 2021 is disposed of by directing the said advocate commissioner to submit his report before the learned Trial Judge within the month of December, 2021. The learned Trial Judge thereafter shall proceed to dispose of the suit expeditiously in accordance with law.

There shall be no order 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.)