

21
23.07.2021
TN

CO No.1266 of 2021

Khurshid Ahmed Ansari

Vs.

Md. Afzal

(Via video conference)

Mr. Arpan Guha

.... for the petitioner

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

As rightly contended by learned counsel for the petitioner, it appears from the materials annexed to the present application under Article 227 of the Constitution of India that the petitioner's suit, for eviction, *khas* possession and *mesne profits*, along with connected applications, have been kept pending for an inordinately long period, even taking into account the staggered functioning of the court due to the prevalent pandemic.

Hence, CO No.1266 of 2021 is disposed of by requesting the Civil Judge (Junior Division), Fifth Court at Howrah to dispose of all the applications

pending in the said court in connection with Title Suit No.569 of 2016 as expeditiously as possible, positively within two months from the date of communication of this order to the court below.

The trial court shall, thereafter, endeavour to dispose of the suit itself as expeditiously as possible, positively within one year after the disposal of the pending applications.

The trial court as well as the parties shall act on the written communication of the learned advocate for the petitioner, accompanied by a server copy of this order, without insisting upon prior production of a certified copy thereof.

The petitioner shall communicate this order, at the earliest, to the court below as well as to the opposite party and/or the learned advocate(s) appearing for the opposite party in the court below.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)