

13.09.2021

CO 1336 of 2021

court no. : 07
Item no. : PB - 24
matter : revision
status : DISPOSED OF
transcriber : nandy

Arun Kumar Gupta
Vs.
Sukla Basak & Ors.

Mr. Souradipta Banerjee, Advocate

.....for the Petitioner

Mr. Arnab Dutta, Advocate

.....for the Opposite Parties

The Court is approached under Article 227 of the Constitution of India soliciting a direction to ensure expeditious disposal of Title Appeal 61 of 2018 pending before the IXth Bench of City Civil Court at Calcutta.

Mr. Souradipta Banerjee, learned Advocate, appearing for the petitioner/plaintiff submits that he won the eviction suit preferred on the ground of reasonable requirement etc.. Thereafter, the opposite party/appellant preferred an appeal in the year 2018 and since then the appeal has not been disposed of resulting in serious prejudice and thereby adversely affecting the valuable rights of the plaintiff/decreed-holder.

Mr. Arnab Dutta, learned Advocate, representing the opposite party/appellant submits that the delay in disposal of the appeal is not attributable to the affairs of the Court, but it is due to the pandemic of COVID-19 and its proliferation, the appeal could not be taken up for hearing, and accordingly there has been protraction in the disposal of the appeal.

The points required to be addressed in this case is very short and simple, which requires no extensive hearing.

It is not in dispute that the appeal was preferred in the year 2018 and the petitioner won the suit for eviction. Having regard to the pendency of this appeal, the Court is of the view that a direction is necessary so that the pending appeal may be disposed of.

Accordingly, the learned Judge, IXth Bench, City Civil Court where the Title Appeal No. 61 of 2018 is now pending, is directed to dispose of the appeal expeditiously at an early date providing sufficient opportunity of hearing to either of the parties to the appeal, without granting unnecessary adjournment, unless it is unavoidable.

With these observations, the revisional application being **CO 1336 of 2021** is **disposed of**.

The petitioner is directed to communicate this order to the learned Appellate Court below.

Urgent Photostat certified copy of this order be given to the parties, if applied for, on priority basis.

(Subhasis Dasgupta, J.)

