

S/L 37
28.09.2021
Court. No. 7
sb

CO 1374 of 2021
(Via Video Conference)

Sanjay Gadia & Ors.
Vs.
Mrityunjay Khara & Ors.

Mr. Rabindra Narayan Dutta, Advocate
Mr. Sibasish Ghosh, Advocate
Mr. Mishant Kumar Saraf, Advocate
Mrs. Rakhi Dey, Advocate

... for the Petitioners

Mr. B. Mitra

...for the Opposite Parties

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

The petitioners are the plaintiffs in a suit for
declaration of title and permanent injunction. This is an
application for expeditious disposal of Title Suit No. 613 of
2013 pending before the learned Civil Judge (Senior
Division), 1st Court at Barasat, North 24 Parganas.

Mr. Dutta, the learned advocate for the petitioner
submits that a direction may be passed upon the learned
court below to dispose of the suit expeditiously. He further
submits that the next date for cross-examination of P.W. 1 is
fixed on November 16, 2021 and a direction may be passed to
fix consecutive dates for cross-examination of the said
witness as the said witness has to travel from Gaziabad for
the purpose of such cross-examination.

The learned advocate for the opposite party submits that the defendants are not at all responsible for the delay in the hearing of the instant suit.

Since it is not in dispute that the P.W. 1 has to travel from Gaziabad for attending the Court to face cross-examination and the next date is fixed on November 16, 2021 for such purpose, the learned Civil Judge (Senior Division), 1st Court at Barasat, North 24 Parganas is requested to take up the cross-examination of the said witness on November 16, 2021 and in the event the cross-examination is not concluded on that date, to fix consecutive dates for cross-examination of the said witness till it is concluded.

The learned Trial Judge is further requested to fix dates in the suit thereafter keeping in mind that the instant suit is pending from the year 2013. I hope and trust that the learned Trial Judge shall make endeavour to dispose of the Title Suit No. 613 of 2013 as expeditiously as possible and preferably by the end of August 2022 without granting any unnecessary adjournment to either of the parties.

CO 1374 of 2021 stands disposed of with the aforesaid direction.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Hiranmay Bhattacharyya, J.)