

08,Ct.18
04.10.2021
AJ.

C.O. 1439 of 2021
(Via Video Conference)

Smt. Mridula Mukherjee & Anr.
-Vs-
Pinaki Ganguly & Ors.

Mr. Debatrata Roy,
Ms. Fatima Hassan.
....for the petitioners.

Mr. Subrato Dutt.
.....for the opposite party no.1.

Affidavit of service filed in Court be taken on record.

The plaintiffs in a suit for recovery of possession being Title Suit No. 1676 of 2011 are the petitioners of the present application under Article 227 of the Constitution of India.

The said suit was dismissed for default and for restoration of it, the petitioners took out an application under Order IX Rule 9 of the Code of Civil Procedure registered before the learned 2nd Bench of the City Civil Court at Calcutta being Misc. Case No. 2230 of 2018.

The petitioners are complaining inordinate delay in disposal of the said misc. case.

It appears from record that the said misc. case was filed out of time, as such, an application for condonation of delay is also pending disposal.

Mr. Subrata Dutt, learned advocate appearing on behalf of the opposite party no.1 submits that his client was contesting the said suit

with the counter-claim for a decree of declaration of his tenancy right over the suit property and after dismissal of the said suit his client is now proceeding with the said counter-claim. He further submits that the delay caused in disposal of the said misc. case cannot be attributed to his client.

Be that as it may, the misc. case being under Order IX Rule 9 of the Code of Civil Procedure requires of expeditious disposal.

The learned Trial Judge, therefore, is requested to dispose of the application for condonation of delay in filing the said misc. case first and thereafter, depending upon the result of the said application, to make endeavour to dispose of the said misc. case as expeditiously as possible, preferably within a period of four effective working months of the Court below and in doing so shall not grant any unnecessary adjournment to either of the parties.

C.O. 1439 of 2021 is disposed of with the above terms without any 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.)