

06.09.2021
Item No.7
Ct. No.7
CHC

**C.O.1489 of 2021
(Physical Hearing)**

**Kashem Ali Daptori & ors.
Vs.
Motleb Laskar & ors.**

Mr. Animesh Mukherjee
...for the petitioners

The Court is approached under Article 227 of the Constitution of India soliciting a direction to ensure expeditious disposal of a suit being Title Suit No.1410 of 2007, now pending before the learned Civil Judge (Junior Division), 6th Court, Alipore, South 24 Parganas.

Mr. Mukherjee, learned advocate appearing for the petitioners submits that suit was instituted in the year 2007 for a declaration and injunction. The defendants have already appeared in the suit and injunction application has already been disposed of. Issues have already been framed and the suit is quite ready to move ahead for disposal of the case.

Mr. Mukherjee, learned advocate for the petitioners having referred to the age of the suit has proposed for

recording an innocuous direction so that the suit may be expeditiously disposed of.

Upon perusal of the last order annexed with the instant revisional application, it appears that an amendment application has been taken out by the opposite parties/defendants, which is pending for hearing on 15th November, 2021.

Mr. Mukherjee, learned advocate is fair enough to submit that amendment application has to be disposed of first providing sufficient opportunity of hearing to either of the parties to this case and thereafter, the suit may be proceeded ahead so as to ensure expeditious disposal.

The point is very short and simple requiring no extensive hearing, and the matter may even be disposed of without securing presence of other sides. Accordingly, the service upon the opposite parties stands dispensed with.

Having considered the submission of Mr. Mukherjee, learned advocate for the petitioners, learned Civil Judge (Junior Division), 6th Court, Alipore in T.S. No.1410 of 2007 is directed to dispose of the amendment application either on the date fixed for hearing, or if for any reasons whatsoever the same could not be effectively utilised, the amendment application may be disposed of within four weeks thereafter peremptorily providing sufficient

opportunity of hearing to either of the parties to this case.

It is further clarified that after disposal of this amendment application, the suit may be disposed of expeditiously enabling either of the parties to this case to represent their respective cases, after disposal of interlocutory applications, if any, without granting unnecessary adjournment, unless it is extremely unavoidable, so that the logical conclusion of the case may be reached at an early date.

Petitioners are directed to make communication of this order not only to the learned court below, but also to opposite parties and their learned advocates, so that they may come prepared ready for effective utilization of date/dates.

With this direction/observation the revisional application stands disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Subhasis Dasgupta, J.)