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Ct. 18
07.10.2021

C.O. No. 1464 of 2021

**Sri Sudevbrata Rana
Vs.
Sri Subrata Rana & Ors.**

Mr. Partha Chakraborty,
Ms. Sharmistha China ... For the petitioner.

Affidavit-of-service filed on behalf of the petitioner in Court today be kept with the record.

None appears on behalf of the opposite parties in spite of service.

The petitioner is the plaintiff in Money Suit No. 378 of 2017 pending before the 8th Court of learned Civil Judge (Senior Division) at Alipore, District – 24 Parganas (South).

The petitioner is complaining inordinate delay in disposal of an application filed by him under Order XXXVIII Rule 5 of the Code of Civil Procedure for attachment of the flat described under Schedule – ‘A’ appended to the said application.

It appears from the certified copy of the orders passed in the said suit, annexed to the revisional application that the said application was filed in the year 2018.

An application under Order XXXVIII Rule 5 of the Code by its nature demands expeditious disposal, it should not have been kept pending for such a long time.

The learned Trial Judge therefore is requested to make all endeavour to dispose of the said application in accordance with law, as expeditiously as possible preferably within two effective working months of the Court below from the date of communication of this order and in doing so shall not grant any unnecessary adjournment to either of the parties.

C.O. 1464 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.)