

12 06.09.
AGM 2021
/RB
Ct
07

C.O. 1503 of 2021

Sibatosh Chakrabarty
Versus
Smt. Minati Sarkar & Ors

(Via Video conference)

Mr. Sanjay Mukherjee,
... For the Petitioner.

The Court is approached under Article 227 of the Constitution of India soliciting a direction to ensure expeditious disposal of an Ejectment Suit No. 411 of 2009 now pending before the learned Civil Judge (Senior Division), 5th Court at Alipore, 24 Parganas (South).

Mr. Sanjay Mukherjee, learned advocate representing the petitioner submits that though the suit has been instituted in the year 2009, but till date the issues have not been framed so as to mark the commencement of trial. It is also submitted that the prayer for amendment proposed by the petitioner/plaintiff/landlord has already been allowed, and against which a revisional application being C.O. 3806 of 2019 was preferred, and the same was also dismissed affirming the order granting amendment.

It is contended by the learned advocate for the petitioner that having regard to the old pendency of this case, there should be an innocuous direction so as to mark the commencement of the trial, otherwise there will be protraction of trial thereby adversely prejudicing the valuable rights of the plaintiff/landlord/petitioner, who is a senior citizen.

In view of the nature of the order proposed to be made in this case, the point is very short and it requires no extensive hearing and the same may be decided without inviting any appearance of the opposite parties.

Accordingly, service upon the opposite parties stands dispensed with.

Having considered the submission of learned advocate for the petitioner, learned Court below is directed to mark the commencement of the trial by framing the issues either on the date scheduled, or if for any reasons whatsoever the same could not be done, the same may be done within four (04) weeks thereafter peremptorily in order to ensure expeditious disposal of the pending suit.

With these observations and directions the revisional application stands disposed of.

The petitioner shall communicate this order to the learned court below, as well as to the learned advocate for the opposite party in the court below at the earliest for the purpose, so that the next date fixed in the court below may be effectively utilized to ensure expeditious disposal.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, given to the learned advocates for the parties on the usual undertaking.

(Subhasis Dasgupta, J)