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C.O. 1501 of 2021

Priority Dealer Private Limited
Versus
Sri Anil Biswas

(Via Video conference)

Mr. Dwaipayan Basu Mallick,
Ms. Shreya Choudhary,
... For the Petitioner.

The Court is approached under Article 227 of the Constitution of India soliciting a direction to ensure expeditious disposal of a Money Suit No. 28626 of 2012 now pending before the learned Civil Judge (Senior Division), 4th Court at Alipore, 24 Parganas (South).

Mr. Dwaipayan Basu Mallick learned advocate representing the petitioner advertent to order passed in C.O. 3486 of 2019 submits that suit has not been proceeded to desirable extent and there has been protraction already caused thereby adversely prejudicing valuable rights of the petitioner. Mr. Basu Mallick further referring the age and old pendency of the suit (Money Suit) has proposed for a direction for expeditious disposal of the pending money suit. It is also submitted by Mr. Basu Mallick that injunction application under Order 39 Rules 1 and 2, as directed to be disposed of in C.O. 3486 of 2019, has already been withdrawn, and the suit is posted for framing of issues.

The point requires to be addressed by this Court is very short and simple and it requires no extensive hearing, and the same may be disposed of even without securing presence of opposite parties. Accordingly, service upon the opposite

parties stands dispensed with.

Admittedly, the Money Suit was filed in the year 2012. The suit is posted for framing of issues.

Having considered the submission of learned advocate for the petitioner, the court is of the view that instant revisional application may be disposed of giving a direction mentioned as hereinbelow:

Learned court below is directed to dispose of the suit as expeditiously as possible, after disposing of the interlocutory application, if any pending, without granting any unnecessary adjournment, unless it is extremely unavoidable.

It is, however, clarified that while making such exercise, the learned court below should offer appropriate opportunity to present the case by either of the parties to this case, so that logical conclusion of the case may be expeditiously reached at an early date.

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)