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Ct. 18
21.09.2021

**C.O. No. 1611 of 2021
(Via Video Conference)**

**Bimalendu Biswas
Vs.
Amalendu Biswas**

Mr. Saumyen Datta,
Mr. Tapas Singha Roy ... For the petitioner.

Mr. Fasiur Rahman Mulla ... For the opposite party.

The plaintiff in a suit for declaration and permanent injunction being Title Suit No. 20 of 2018 is the petitioner of the present application under Article 227 of the Constitution of India.

The said suit was pending before the 2nd Court of learned Civil Judge, (Senior Division), at Barasat, District – 24 Parganas (North).

The said suit was dismissed for default. The petitioner took out an application under Order IX Rule 9 of the Code of Civil Procedure for restoration of it, which has been registered as Misc. Case No. 23 of 2021 before the learned Trial Judge.

The opposite party since is proceeding with his counter-claim for a decree of partition of the suit property, the petitioner is praying expeditious disposal of the said misc. case.

The said misc. case is required to be disposed of expeditiously to avoid unnecessary complications that may arise in the event the opposite party succeeds in

his counter-claim pending disposal of the said misc. case.

The learned Trial Judge is, therefore, requested to expedite the disposal of the said Misc. Case No. 23 of 2021 without granting any unnecessary adjournment to either of the parties.

C.O. 1611 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.)