

56,DL,Ct.18
23.09.2021
A.J.

C.O. 1654 of 2021
(Through Video Conference)

Sanjay Kumar Bhagat & Ors.
-Vs-
Sajan Kumar Bhagat & Ors.

Mr. Moinak Bose,
Mr. R.K. Basu,
Ms. Shebatee Datta,
... for the petitioners.

Mr. Saurav Prasad.
....for the opposite parties.

The defendant nos. 1, 2 and 4 in a suit challenging the validity of a deed of gift executed by the plaintiffs in favour of the defendant no.1 are the petitioners of the present revisional application under Article 227 of the Constitution of India.

The petitioners complain that they have filed an application under Order VII Rule 11 of the Code of Civil Procedure way back on November 24, 2016 but, till date, the same has not yet been disposed of.

An application under Order VII Rule 11 of the Code, by its nature, requires expeditious disposal.

Pendency of such an application for five years is not appreciated, however, on perusal of the records, it appears that an application for substitution of the heirs and legal representatives of the plaintiff no.2 is also pending.

Mr. Moinak Bose, learned advocate appearing on behalf of the petitioners submits that his clients have no objection if the said application for substitution is allowed.

The learned Trial Judge is, therefore, requested to dispose of the said application for substitution first and thereafter to make all endeavour to dispose of the said application filed by the petitioners under Order VII Rule 11 of the Code expeditiously, preferably within a period of one working month from the date of communication of this order without granting any unnecessary adjournment to either of the parties.

C.O. 1654 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.)