

23.11.2021
Item No.21
Court No.18
AJ.

C.O. 1636 of 2021

(Through Video Conference)

Shri Gobinda Chandra Saha

-Vs-

Dr. Manash Kumar Talukder

Mr. Pradyat Saha,

Mr. Sanjay Chakraborty.

... for the petitioner.

The order proposed to be passed in the present application under Article 227 of the Constitution of India would not cause any prejudice to the opposite party, as such service of notice of this application upon the said opposite party is dispensed with.

The petitioner is the plaintiff of the connected ejectment suit being Ejectment Suit No. 79 of 2015, pending before the 2nd Court of the learned Civil Judge (Junior Division), Barrackpore, District 24-Parganas (North).

The plaintiff is complaining inordinate delay in disposal of the interlocutory applications filed in the said suit and is praying for a direction upon the learned Trial Judge for expeditious disposal of the said applications.

It is disturbing to note that in an ejectment suit filed in the year 2015 the application under Section 7(2) of the West Bengal Premises Tenancy Act, 1997 filed by the defendant is still pending although such kind of

application in terms of the said provision of the said Act is required to be disposed of as soon as possible, within a period not exceeding one year from the date of receipt of the said application by the Civil Judge.

The application filed by the petitioner for holding local inspection of the suit property is also pending.

The learned Trial Judge is, therefore, requested to dispose of all interlocutory applications filed in the said suit expeditiously, preferably within a period of four available effective working months of the said Court 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. 1636 of 2021 is disposed of with the above terms without any order for costs.

The petitioner shall communicate this order to the defendant/opposite party and also to his learned advocate in the Court below within a week from date.

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.)