

9th November
2021

CO. 1721 of 2021

(Through Video Conference)

(25)
(BD/RUP)

Sri Matya Durga Mondal and Ors.
-vs-
Dhananjoy Koyal and Ors.

Dr. Animesh Mukherjee.
... For the petitioners.

The Court is approached under Article 227 of the Constitution of India soliciting a direction to ensure expeditious disposal of a suit being T.S. NO. 275 of 2017 now pending before the learned Civil Judge (Junior Division) 2nd Court Diamond Harbour, for the inordinate delay being caused.

Mr. Animesh Mukherjee, learned advocate for the petitioners submits that petitioners are the plaintiffs in the court below, and in connection with the suit for declaration and injunction, the other sides/defendants have already entered their appearance, and injunction application has already been disposed of, but till date there has been no commencement of trial, resulting in serious prejudice being caused to the petitioners/plaintiffs.

Admittedly, the suit was instituted in the year 2017. The impact of Covid-19 and its proliferation have largely disturbed the ordinary function of the Court.

However, in view of the nature of the order proposed to be made, and the point sought to be addressed by the court, the court is of the view that no extensive hearing is necessary in this case, and the matter may be disposed of right now, giving a direction for the purpose.

Accordingly, service of the notice upon the opposite parties is dispensed with.

The revisional application is thus disposed of with a direction upon the learned court below to mark the commencement of the trial of the pending suit, after disposing of the interlocutory application, if there be any pending. In doing such exercise, the learned court below is further directed to provide sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournment, unless it is extremely unavoidable, so that logical conclusion of the case may be reached at an early date.

The learned advocate for the petitioner is directed to make communication of this order to the opposite parties, and their learned advocates appearing in the court below, apart from making independent communication of this order to the learned court below.

With this direction and observation the revisional application stands disposed of.

(Subhasis Dasgupta, J.)