

05.10.2021
Item No.8
Ct. No.7
CHC

**C.O.1789 of 2021
(Via Video Conference)**

**Sk. Ajlu Mohammad & ors.
Vs.
Sk. Jamsed Mohammad & anr.**

Mr. Balaram Pandit
...for the petitioners

The Court is approached under Article 227 of the Constitution of India, soliciting a direction to ensure expeditious disposal of a Title Appeal No.52 of 2018, now pending before the learned Civil Judge (Senior Division), 2nd Court, Contai, Purba Medinipur.

Mr. Balaram Pandit, learned advocate representing the petitioners submits that petitioners won the suit in the court below and against the decision of the lower court, the opposite parties/appellants have preferred an appeal, which is registered in connection with Title Appeal No.52 of 2018, reference of which is mentioned in the cause-title of this revisional application.

It is further submitted by the learned advocate for the petitioners that since there was a delay in preferring this appeal, a Section 5 application seeking condonation of delay was filed by the appellants. It

was ultimately heard out, but no order till date has been passed by the learned court below.

In such context, learned advocate for the petitioners proposes for an innocuous direction so that appeal may be expeditiously disposed of.

In view of the nature of the order proposed to be made, and the point sought to be addressed by this Court, the Court is of the view that it does not require any extensive hearing and the same may be disposed of instantly by recording a suitable direction therefor, even without securing any presence of the opposite parties. Accordingly, service upon the opposite parties stands dispensed with.

Learned court below is directed to dispose of the pending Title Appeal as expeditiously as possible after disposing of Section 5 application for condonation of delay and any other interlocutory application, if any pending so that logical conclusion of the Title Appeal may be reached at an early date.

In doing such exercise, learned court below is further directed to provide sufficient opportunity of hearing to either of the parties of this case, without granting unnecessary adjournment, unless it is extremely unavoidable.

Petitioners are directed to make communication of this order to the opposite parties and their learned advocates appearing in the first lower appellate court,

apart from making independent communication to the first lower appellate court.

With the above observations/directions, the instant revisional application stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)