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**05.10.
2021**

C.O. 1794 of 2021

Nurul Huda Layek
Versus
Smt. Gopa Sarkar & Ors

(Via Video conference)

Mr. Kushal Chatterjee,
Mr. Iftikar Munshi,
... For the Petitioner.

The impugned order dated 13th September, 2021 passed by the learned Civil Judge (Senior Division), 1st Court, Alipore in Title Suit No. 60 of 2008 adjourning the hearing of a petition filed by the petitioner under Section 151 of the Code of Civil Procedure, praying for variations of the order passed in preliminary decree on the premises of law point, is subject matter of challenge in this revisional application.

Mr. Kushal Chatterjee, learned advocate representing the petitioner submits that the status of the petitioner was recognised in the pending case before the Court below in the year 2007, when the prayer for addition of the party of the petitioner was allowed. After being added as necessary parties to the case pending in the Court below, an application under Section 151 of the Code of Civil Procedure seeking variations of the preliminary decree was filed on 2nd August, 2008. Admittedly, the preliminary decree was granted on 28th February, 2006.

It is contended by the learned advocate for the petitioner that the Court below adopted an erroneous approach previously and dismissed the

petition filed under Section 151 of the Code of Civil Procedure seeking variations of the preliminary decree.

Adverting to copy of the order dated 2nd September, 2014, passed in C. O. 2141 of 2014, learned advocate for the petitioner submits that the rejection of the prayer under Section 151 of the Code of Civil Procedure, referred above, was challenged before this Court, and by the order of C.O. 2141 of 2014 it was allowed in affirmative.

It is also contended by learned advocate for the petitioner that despite the matter being communicated, the learned Court blow kept 151 petition pending for indefinite period of time, and lastly on the score of law points. The long pendency of petition under Section 151 of the Code of Civil Procedure, according to the petitioner, has caused undue hardship to petitioner affecting his valuable rights as regards expeditious disposal of pending interlocutory petition under Section 151 of the Code of Civil Procedure.

The point is very short and simple, requiring no extensive hearing, and the same may be disposed of right now giving suitable directions therefor, even without securing the presence of the opposite parties.

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

Learned Court below is directed to dispose of the pending petition under Section 151 of the Code of Civil Procedure petition praying for variations of the preliminary decree either on the date already fixed by the learned Court below, or if for any reasons whatsoever, the same could not be done, the matter may be disposed of peremptorily within

ten (10) weeks thereafter providing sufficient opportunity of hearing to either of the parties, but without granting unnecessary adjournments, unless it is extremely unavoidable.

Petitioner is directed to communicate this order to the opposite parties and their learned advocates appearing in the Court below, apart from making independent communication to the learned Court below.

With these directions and observations the revisional application stands disposed of.

There shall be no order as to costs.

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

(Subhasis Dasgupta, J)