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04.10.
2021

C.O. 1798 of 2021

Sri Arun Kumar Banick @ Sri Basudev Banick
Versus
Smt Ahalaya Banick

(Via Video conference)

Mr. Jayanta Samanta,
Ms. Karunamoyee Samanta,
... For the Petitioner.

The Court is approached under Article 227 of the Constitution of India soliciting a direction to ensure expeditious disposal of a Title Suit No. 392 of 2009 pending before learned Civil Judge (Junior Division), 2nd Court, Sealdah.

Mr. Jayanta Samanta, learned advocate representing the petitioner/plaintiff submits that the instant suit was filed in the year 2009 seeking eviction of licensee/defendant. Thereafter, the suit proceeded to a considerable extent, and on 11th July 2019 after conclusion of the evidence, the suit was posted for hearing further argument.

It is contended by learned advocate for the petitioner that since 11th July, 2019, the argument of this case could not be heard out, resulting in serious protraction to the trial of this case thereby affecting adversely the valuable rights of the petitioner/plaintiff as regards expeditious disposal of the pending suit.

In view of the nature of the order proposed to be obtained, and the issue sought to be addressed by this Court, the Court is of the view that this may be decided, even without securing presence of the opposite parties, giving a considerable direction for the purpose.

At the same time, the Court cannot be oblivious of the fact that due to impact of COVID-19, and its proliferation, there has been lot of disturbance in the original functioning of the Court.

However, learned Court below is directed to conclude the hearing of argument in this case expeditiously as possible, preferably within four months from the date of communication of this order, so that the logical conclusion of the case may be reached within the period.

It is, however, clarified that while making such exercise, the learned court below should offer appropriate opportunity to either of the parties to this case.

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

The petitioner shall communicate this order to the learned court below, as well as to the learned advocate for the opposite party appearing in the court below.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, given to the learned advocates for the parties on the usual undertaking.

(Subhasis Dasgupta, J)