

10.11.2021
Item No.19
Ct. No. 18
AJ.

C.O. 1801 of 2021

Sanjib Das & Anr.

-Vs-

Samir Das & Anr.

Mr. Asit Kumar Bhattacharya,
....for the petitioners.

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 parties as such, service of notice of the present application upon the said opposite parties is dispensed with.

The plaintiffs in a suit for partition are the petitioners of the present application under Article 227 of the Constitution of India.

The plaintiffs on June 12, 2018 have filed three applications in the said suit, one under Order VI Rule 17 of the Code of Civil Procedure, another under Order XXXIX Rule 7 of the Code and the third one for expunging the name of defendant no.3 from the cause-title of the suit. The petitioners complain of inordinate delay in disposal of the said applications.

Pendency of the interlocutory applications would arrest the progress of the suit, as such, are required to be disposed of expeditiously.

The 9th Court of the learned Civil Judge (Senior Division) at Alipore, District-24 Parganas

(South) is requested to dispose of the said applications in accordance with law as expeditiously as possible, preferably within eight available working weeks 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. 1801 of 2021 is disposed of with the above terms without any order for costs.

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.)