

15.11.2021
(S/L-27)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 1826 of 2021
Sri Shyamal Saha
-Vs-
Ramkrishna Dutta & Ors.

Mr. Subrata Kumar Basu,
Ms. Manisha Das,
Ms. Neelanjana Ghorui,
.... For the Petitioner.

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 revisional application upon the said opposite parties is dispensed with.

The petitioner is the plaintiff of Title Suit No. 2202 of 2008. The said suit is pending before the learned Judge, XIII Bench, City Civil Court, Calcutta.

The petitioner is complaining inordinate delay in disposal of the said suit and is praying a direction upon the learned Trial Judge for expeditious disposal of the said suit.

It appears from the record that the suit is at the stage of cross-examination of P.W.₁.

Mr. Subrata Kumar Basu, learned counsel for the petitioner submits that the cross-examination of the said witness was started in the year 2015.

It is disturbing to note that in a suit filed in the year 2008, witness action commenced in the year 2015 has not yet been concluded.

Mr. Basu informs this Court that December 08, 2021 is the next date fixed in the suit for cross-examination of P.W.₁.

The cross-examination of the said witness is required to be concluded on the aforesaid next date fixed, however, in the event, due to some unavoidable reason, if the said cross-examination cannot be concluded on the said date, it must be concluded on the following available working day of the said Court.

On the failure of the plaintiff to produce P.W.₁ for cross-examination or of the defendants to conclude the cross-examination of the said witness on the date fixed, the evidence of P.W.₁ shall be expunged or closed, as the case may be.

The learned Trial Judge is requested to dispose of the said suit as expeditiously as possible in accordance with law, preferably within six available effective working months of the said Court from the date of communication of this order.

To adhere to the time limit fixed by this order for conclusion of the evidence of P.W.₁ and disposal of the said suit, the learned Trial Judge shall not grant any unnecessary adjournment to either of the parties.

The petitioner is required to communicate this order to the opposite parties as well as to their learned advocate in the Court below within a week from date.

C.O. 1826 of 2021 is disposed of with the above terms without any order as to 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.)