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Ct. 18
24.11.2021

**C.O. No. 1951 of 2021
(Via Video Conference)
Smt. Dalia Mukherjee & Ors.
Vs.**

Smt. Shyamali Joardar (Mukherjee)

Mr. Rabindra Narayan Dutta,
Mr. Sibashis Ghosh,
Mr. Hare Krishna Haldar ... 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 party, as such, service of notice of the present application upon the said opposite party is dispensed with.

The suit for partition being Title Suit No. 118 of 2014 filed before the 1st Court of learned Civil Judge (Senior Division), at Barasat, District – 24 Parganas (North) was dismissed but the counter-claim of the petitioners for a preliminary decree of partition of their share in the suit property was allowed vide judgment and order dated August 30, 2019.

The petitioners have applied for appointment of Partition Commissioner to make the said preliminary decree final.

The petitioners are complaining delay in disposal of their said application.

Mr. Sibashis Ghosh, learned advocate appearing on behalf of the petitioners submits that most of his clients are senior citizens, as such, the final decree is required to be passed expeditiously. He further

submits that May 07, 2022 is the next date fixed for hearing of the said application for appointment of Partition Commissioner, he prays that an earlier date may be fixed for hearing of the said application.

Considering the said submission of Mr. Ghosh, the learned Trial Judge is requested to expedite the disposal of the said suit.

The petitioners are at liberty to approach the learned Trial Judge for appropriate order.

C.O. 1951 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.)