

14. 24.11.2021
BR
Ct. No.22

C.O. 1986 of 2021

**Basanti Ghosh and Ors.
-Versus-
Swapna Ghosh and Ors.**

(Through Video Conference)

Mr. Manas Malakar ,
Ms. Kabita Sarkar
...for the Petitioners

Learned advocate appearing for the petitioners submits that petitioners have filed a partition suit being no. Title Suit No. 250 of 2015 before the learned Civil Judge (Senior Division), 2nd Court, Alipore against the respondents. The petitioners do not reside in the suit property and the same is wholly enjoyed by opposite party nos. 1 and 2. In order to retain possession of the suit property by the opposite parties, they have been delaying the disposal of the case by filing series of adjournment petitions and which were/are allowed by the learned Court below. Therefore, he prays that learned Court below be directed for expeditious disposal of the partition suit by curtailing adjournments.

Since the petitioners have prayed for expeditious disposal of Title Suit No. 250 of 2015, there is no possibility of causing any prejudice to the opposite parties.

Further having regard to the nature of relief claimed, I see no reason to put the opposite parties on notice.

Service of notice on the opposite parties is dispensed with.

Accordingly, C.O. No1986 of 2021 is hereby disposed of with a request to the learned Civil Judge (Senior Division), 1st Court, Alipore to expedite the hearing/ trial of the Title Suit No. 250 of 2015 dispose of the case expeditiously, and in any event, within a period of one year from the date of receipt of this order as the case is pending for last six years. Ld. Court below is to see the adjournment if prayed by parties is granted judiciously on some justifiable situation and not as a rule.

There will be no order as to costs.

Urgent Photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Kesang Doma Bhutia, J.)