

09.07.2021
Ct. No.9
S/L No.13
AJ/KS

(Via Video Conference)

C.O. 2751 of 2017

With

IA No.CAN 1 of 2019 (Old No. CAN 10330 of 2019)[Photocopy]

Ganesh Chandra Pal

-Vs.-

Sk. Yunush alias Bablu Sk. & Ors.

Mr. Dyutiman Banerjee

.....For the Petitioner

IA No.CAN 1 of 2019 (Old No. CAN 10330 of 2019)

Since, the application being, IA No.CAN 1 of 2019 (Old No. CAN 10330 of 2019) has not been placed even today as per the direction passed on 07.07.2021, learned advocate appearing for the petitioner through video link and his clerk pressed in service a photocopy of the application whereunder the petitioner has sought for recalling of the order dated 11.03.2019 passed in C.O. 2751 of 2017 by a Coordinate Bench of this Hon'ble Court on condonation of delay and to hear out the application on merit.

Affidavit of service filed in Court be kept on record which reflects that the service has been effected upon opposite parties, but, none has appeared on behalf of the opposite parties.

Mr. Dyutiman Banerjee, learned advocate appearing for the petitioner through video link submits that the revisional

application was dismissed for default and the interim order stood vacated. There are two defaults when learned advocate for the petitioner could not make himself available on call. Therefore, this Court is pleased to recall the order for the ends of justice as the litigant should not suffer due to non-appearance of learned advocate when the matter was called on by the Court. Let the order of dismissal dated 11.03.2019 be recalled on condonation of delay as explained in the application and the revisional application being, C.O. 2751 of 2017 be restored to its original file and number.

The application being, IA No.CAN 1 of 2019 (Old No. CAN 10330 of 2019) is considered and disposed of.

Let a photocopy of this application being, IA No.CAN 1 of 2019 (Old No. CAN 10330 of 2019) be kept on record and be treated as the original application before this Court.

C.O. 2751 of 2017

Now, the revisional application is taken up for consideration. On simple reading of the prayer portion, it would appear that the petitioner has sought for very innocuous prayer for expeditious hearing of the Title Suit being No.6 of 2006 pending in the Court of the learned Civil Judge, Junior Division, 1st Court, Bolpur, Birbhum. The order-sheet clearly reflects the dismal conduct before the Trial Court, of course, there are

various reasons for the delay because every party before the Trial Court takes adjournment.

However, having regard to the stage of the case being, Misc. Case 40/06 fixed for evidence, appropriate orders may be passed. It appears that Mr. Apurba Chakraborty, advocate was appointed as the learned Commissioner for holding local investigation in respect of the suit property and he has not submitted his report.

Therefore, the learned Trial Court will take all endeavour to obtain the report and to expedite the hearing of the suit as expeditiously as possible.

Thus, the revisional application being, C.O. 2751 of 2017 is disposed of without order as to costs.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Shivakant Prasad, J.)