

07.01.2021
Sl. No. 4
srm

C.O. No. 1431 of 2020

Asit Kumar Jana & Anr.

Vs.

Sankar Jana & Ors.

Mr. Ziaul Haque

...for the Petitioners.

This is an application for expeditious disposal of Title Suit No.53 of 2015 along with J. Misc. Case No.21 of 2015 pending before the learned Civil Judge (Junior Division), 2nd Additional Court at Contai, Purba Medinipur. The petitioners are the plaintiffs in the title suit.

It is contended on behalf of the petitioners that the suit is dragging for various reasons for a considerable period. An application under Order XXXIX Rule 4A of the Code of Civil Procedure is still pending.

Records reveal that that the added defendant No.8 has not yet been served with the copy of the summons, dates have been fixed for SR and AD showing service upon the added defendant No.8 and that is why the suit was not proceeded with.

Under such circumstances, the learned Court below shall make all attempts to dispose of the J. Misc. Case No.21 of 2015 as expeditiously as possible upon satisfying himself that the added defendant No.8 is served with the summons unless

the Court arrives at a conclusion that the added defendant No.8 is avoiding receipt of the summons. J. Misc. Case is to be disposed of preferably within a period of four months from the next date fixed upon affording an opportunity to all concerned to contest the same. Once the J. Misc. Case is disposed of then the learned Court below shall make attempt to dispose of the Title Suit No.53 of 2015 preferably within a period of one year from the date of disposal of the of the J. Misc. Case unless the Court is prevented by sufficient cause from proceeding with the suit.

This Court has not gone into the merits of the claim and counterclaim of the parties and the order passed herein will not influence the learned Court below in anyway and the learned Court below will proceed with the matter independently and on the merits of the case.

The learned Advocate-on-record for the petitioners is directed to serve copies of this revisional application upon the opposite parties along with a server copy of this order within a period of seven days from date.

This revisional application is, thus, disposed of.

There will be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)