

25.02.2021
S/L No. 08
Court No. 3
s.biswas

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**
(Through Video Conference)
CO 26 of 2021

Amrita Singh
Vs.
Satminder Kaur & Ors.

Mr. Sudipto Majumdar
Mr. Nabankur Paul

... ..for the Petitioner

Mr. Debajyoti Basu

... ..for the opposite parties

The plaintiff in the suit for declaration and for cancellation of a document, has filed the instant application under Article 227 of the Constitution of India challenging the order dated December 9, 2020 passed by the learned District Judge, Darjeeling in Misc. Appeal No. 2 of 2020.

By the order impugned the learned District Judge, Darjeeling extended the interim order passed by the Court vide Order no.1 dated October 16, 2020 with direction upon the learned Trial Judge to decide the point of the territorial jurisdiction. It has been uniformly submitted by the learned advocates for the parties that the point of territorial jurisdiction has already been decided by the learned Trial Judge.

After hearing the learned advocates for the parties and after perusing the materials on record, this Court is of the view that justice

would be sub-served if a direction is passed upon the learned Court of appeal below to dispose of the Misc. Appeal expeditiously.

Accordingly, CO 26 of 2021 is disposed of by requesting the learned District Judge, Darjeeling to take up the hearing of the Misc. Appeal No. 2 of 2020 on the next date fixed, if the same is otherwise ready for hearing, and to dispose of the same as expeditiously as possible and preferably within a period of four months from the next date fixed for hearing of such appeal without granting any unnecessary adjournment to either of the parties.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to all the parties upon completion of all necessary formalities.

(Hiranmay Bhattacharyya, J.)