

08.02.2022

Ct. 21

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C.O. 31 of 2022
(Via Video Conference)

Tarak Nath Roy
-Vs-
Nani Saha & Anr.

Mr. Kushal Chatterjee,
Mr. Debrup Choudhury,

... for the petitioner

Mr. Shaunak Ghosh,
Md. Hossain,

... for the opposite parties

Mr. Kushal Chatterjee, learned advocate appears for the petitioner and Mr. Shaunak Ghosh, learned advocate appears for the opposite parties.

The petitioner by filing the present application under Article 227 of the Constitution of India has prayed for expeditious disposal of the application under Order 7 Rule 11 (d) of the Code of Civil Procedure filed by the defendants/opposite parties, an application under Section 151 of the Code of Civil procedure filed by the defendants/opposite parties and another application dated 08.09.2021 filed by the defendants/opposite parties and the title suit itself being Title Suit No. 190 of 2010, pending before the learned Civil Judge (Senior Division) at Sealdah, South 24 Parganas.

The learned advocate appearing for the opposite parties/defendants submits that he has no objection if the prayer of the petitioner is allowed but before disposal of the Title Suit No. 190 of 2010, the

application under Order 7 Rule 11(d) of the Code of Civil Procedure filed by the defendants, need to be disposed of first.

The learned Civil Judge (Senior Division) at Sealdah, South 24 Parganas is requested to dispose of the application first filed by the defendants under Order 7 Rule 11(d) of the Code of Civil Procedure within a period of one month from the date of communication of this order. If such application is allowed, then automatically other pending applications and the suit will also be disposed of.

In case, if the said application is not allowed, the learned Judge in the Court below is requested to dispose of other pending applications filed by the defendants as early as possible, preferably within a period of one month from the date of disposal of the application under Order 7 Rule 11(d) of the Code of Civil Procedure. Thereafter, the learned Judge in the Court below is further requested to make an endeavour to dispose of the Title Suit No. 190 of 2010, as expeditiously as possible and in any event, within a period of one year, without granting any adjournment whatsoever to any of the parties, as the suit is pending since 2010.

Accordingly, the revisional application being **C.O. 31 of 2022** is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order duly downloaded from the official website of this Court.

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

(**Kesang Doma Bhutia, J.**)

