

26.04.2022
Item No.5
Ct. No.7
CHC
(disposed of)

**C.O.282 of 2022
(Physical Hearing)**

**Smt. Anjali Mitra
Vs.
Nishi Sehgal**

Mr. Subhojit Saha
...for the petitioner

A direction to secure expeditious disposal of suit already instituted in the year, 2003, by the petitioner/landlord, is the ultimate relief sought for in this case.

Admittedly, the eviction suit has been renumbered on transfer, and present renumbered Ejectment Suit is 14 of 2021, now pending before the court of learned Civil Judge (Senior Division), 9th Court, at Alipore.

It is contended by the learned advocate for the petitioner that petitioner is the senior citizen. Previously, a direction has already been there for the expeditious disposal of the suit in C.O.444 of 2010. After the disposal of the petition under Section 7(2) of the W.B.P.T. Act, as per direction passed in C.O.444 of 2010, the suit was posted for collection of evidence in peremptory hearing stage. At this stage, prayer for addition of party under Order 1 Rule 10(2) C.P.C. has been filed, and till date, such petition has not yet been

disposed of causing delay to the logical conclusion of the suit.

In view of the nature of order proposed to be made in this case, no prior notice is considered to be necessary. Service upon the opposite party is thus dispensed with.

Accordingly, learned Civil Judge (Senior Division), 9th Court, at Alipore, in Ejectment Suit No..14 of 2021, is requested to ensure expeditious disposal of pending interlocutory application under Order 1 Rule 10(2) C.P.C., providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable.

While endeavouring such exercise, the year of institution of eviction suit may be taken into account, and the learned court below may proceed with the disposal of the suit in the manner, as situation of the case would demand, so as to dispense with the justice in a best possible and expeditious manner, upon sensing also the message conveyed in C.O.444 of 2010.

Petitioner is directed to make communication of this order to the learned court below as well as to the learned advocate appearing in the court below for the opposite party and opposite party.

With this observation/direction, the revisional application stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)