

27.04.2022
Item No.13
Ct. No.7
CHC
(disposed of)

**C.O.337 of 2022
(Physical Hearing)**

**Sri Dayamoy Mondal
Vs.
Sri Prabir Kumar Bera & ors.**

Mr. Molay Roy,
Mr. Kaustav Manna,
Ms. Sutapa Upadhyay
...for the petitioner

A direction to secure expeditious disposal of an interlocutory application under Order 18 Rule 17 C.P.C. is the ultimate relief sought for in this case.

Admittedly, this is a suit for partition, and in connection which, the court below is passing though the stage of collection of evidence. It is at that stage an application under Order 18 Rule 17 C.P.C. has been filed, which is still pending.

It is contended that long pendency of this application, referred hereinabove, has caused prejudice to the valuable rights of the petitioner, besides causing protraction of trial.

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 parties is thus dispensed with.

Accordingly, learned Civil Judge (Senior Division), 2nd Court, Tamluk, in Title Suit No.55 of 2013, is

requested to ensure expeditious disposal of pending suit, after causing disposal of interlocutory application under Order 18 Rule 17 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 the suit may be taken into account, and the 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.

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 parties and opposite parties.

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.)