

21.04.2022
Item No.8
Ct. No.7
CHC
(disposed of)

**C.O.383 of 2022
(Physical Hearing)**

**Smt. Sangita Ghosh
Vs.
Sri Saibal Sarkar**

Mr. Kajal Ray
...for the petitioner

A direction to secure expeditious disposal of a suit being Title Suit No.190 of 2018, now pending before the learned Civil Judge (Senior Division), 1st Court, Hooghly, at Chinsurah is the ultimate relief sought for in this case.

Mr. Ray, learned advocate appearing for the petitioner submits that the son/plaintiff/opposite party instituted a suit against his father and sister seeking a direction upon declaring him to be a licensee.

Ad interim injunction was then obtained by the plaintiff/son against the petitioner. With the passage of time, the father, made one of the defendants in the suit already, left this world. A substitution application has been filed by the petitioner, and a separate petition advancing counter claim was also filed in March, 2019.

It is contended by the learned advocate for the petitioner that till date, neither the substitution application, nor the counter claim has been considered by the court below rendering conscious decision therefor after a hearing. A direction is thus solicited for disposal of interlocutory applications referred hereinabove.

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

Accordingly, learned Civil Judge (Senior Division), 1st Court, Hooghly at Chinsurah, in Title Suit No.190 of 2018, is requested to ensure expeditious disposal of substitution petition, and counter claim filed by the petitioner, providing sufficient opportunity of hearing to either of the parties, but without granting any unnecessary adjournment, unless it is extremely unavoidable.

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 as well.

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

Liberty is given to the learned advocate for the petitioner to file a petition for listing interlocutory

matter for hearing before the court below, if the same is not posted in the Diary, ordinarily maintained by the learned court below in connection with the pending suit.

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.)