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Ct. 18
05.04.2022

C.O. No. 402 of 2022

**Sri Amitava Dey Bhowmick & Anr.
Vs.
Francis D' Rozario**

Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. Rudranil Das ... For the petitioners.

The order proposed to be passed in the present application under Article 227 of the Constitution of India would not cause any prejudice to the opposite party, as such, service of notice of the present application upon the said opposite party is dispensed with.

The petitioners are the plaintiffs of Ejectment Suit No. 31 of 2010 pending before the learned Judge, 2nd Bench, Presidency Small Causes Court at Calcutta. The petitioners are complaining inordinate delay in disposal of the said suit and are praying for a direction upon the learned Trial Judge for expeditious disposal of it.

Mr. Souvik Das, learned advocate for the petitioners files certified copy of the orders passed in the said ejectment suit, which are taken on record.

It appears from the Order No. 83 dated September 21, 2021 passed in the said suit that the defence of the opposite party against delivery of possession has already been struck out under Section 7 (3) of the West Bengal Premises Tenancy Act, 1997 and by the

said order the Court fixed November 25, 2021 for argument of the suit.

Mr. Das submits that it has been wrongly recorded that the said date was fixed for argument, in fact it was fixed for recording of evidence of the plaintiffs. He further submits that on November 25, 2021 although the defendant did not take any step, the learned Trial Judge adjourned the recording of evidence of the plaintiffs to January 15, 2022 and on the said date also the evidence of the plaintiffs was not recorded. Mr. Das informs this Court that the next date fixed for recording evidence of the plaintiffs is April 20, 2022.

In view of the aforesaid stage of the suit the learned Trial Judge is requested to allow the plaintiffs to tender their evidence-in-chief on the said date fixed and to make all endeavour to dispose of the said suit as expeditiously as possible preferably within a period of three effective working months of his Court without granting any unnecessary adjournment to either of the parties.

C.O. 402 of 2022 is disposed of with the above observation without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)