

29.08.2022
Item No.3
Ct. No.7
CHC
(disposed of)

C.O.583 of 2022

Prabir Kumar Das
Vs.
Pranab Kumar Das

Ms. Srilekha Bhattacharya
...for the petitioner

A direction to secure expeditious completion of Investigation Commission followed by submission of report of investigation is the ultimate relief sought for in this case.

Learned advocate appearing for the petitioner submits that investigation commission has already been concluded, and the copy of the commission report has already been made over to the learned advocate appearing for the petitioner, what is available in page-42 of the instant revisional application.

No other point is raised requiring address by this Court.

While moving this application, petitioner has brought to the attention of the Court about the order passed by this Court in C.O.888 of 2019, and C.O.646 of 2020 regarding expeditious completion of investigation, but the report of investigation has not yet been submitted in the court below resulting in prejudice to the petitioner.

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 stands dispensed with.

Accordingly, learned Civil Judge (Junior Division), 3rd Court, Purba Bardhaman, in connection with Title Suit No.80 of 2015 is to ensure expeditious collection of the learned Investigation Commissioner's report, bearing in mind the purport and the message contained earlier in those two orders of this Court referred hereinabove, and proceed with the acceptance of the report after adhering to the provisions of the law.

While endeavouring such exercise, a notice may be issued to the learned Investigation Commissioner within one week from the date of communication of this order requiring him to ensure conclusion of investigation followed by submission of his report, preferably within a period of two (02) months from the date of communication of this order, if not submitted in the meantime.

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

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

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.)