

05.05.2022
Item No16
Ct. No.7
CHC
(disposed of)

C.O.600 of 2022

Sri Aswini Kumar Bhunia
Vs.
Sri Aditya Kumar Bhunia & ors.

Ms. Mohini Mohan Betal
Mr. Koustava Ratan Chatterjee
...for the petitioner

A direction to secure expeditious disposal of Title Appeal No.5 of 2016, pending before learned Civil Judge (Senior Division), at Tamluk, is the ultimate relief sought for in this case.

Ms. Betal, learned advocate appearing for the plaintiff/decreeholder submits that a preliminary decree was granted by the trial court in connection with a suit for partition. An appeal was then carried before learned first lower appellate court, which was pending since 2015.

The only contention expressed by the learned advocate for the petitioner is against the delay being caused in the disposal of Title Appeal.

Incidentally, learned advocate for the petitioner discloses that plaintiff/decreeholder has been suffering from Cancer, and as such the appeal may be expedited, otherwise fruits of partition decree may not be reached to petitioner during his life time.

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 stands dispensed with.

Accordingly, learned Civil Judge (Senior Division), at Tamruk, Purba Medinipur is requested to ensure expeditious disposal of the pending appeal, referred above, after causing disposal of interlocutory application if there be any pending, 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 learned first lower appellate court may proceed with the disposal of the appeal 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.)