

37 24.03.
2022

AGM
/RKB
Ct
07

C.O. 621 of 2022

**Sree Narayan Trust Fund rept. By Trustee Sri
Rabindra Narayan Kundu
Vs
Smt. Bharati Mukherjee**

Mr. Debjit Mukherjee,
Mrs. Susmita Chatterjee,
Mrs. Dipanwita Ganguly,
Mr. K. Bhattacharya, ... For the petitioner.

Petitioner is aggrieved with the delayed submission of learned Deposition Commissioner's report, allowed in the year 2016, in application of the provisions under Order 26 Rule 1 of the Code of Civil Procedure.

Mr. Debjit Mukherjee, learned advocate appearing for the petitioner submits that in the meantime, the petitioner has concluded his evidence.

Admittedly, this is a suit for eviction instituted by senior citizen.

The only contention thus expressed is against the delayed submission of the learned Deposition Commissioner's report.

In view of the nature of the order proposed to be made in this case, service of notice of this application upon the opposite party is considered to be not necessary.

Accordingly, service of notice of this application upon opposite party stands dispensed with.

Accordingly, learned Civil Judge (Junior Division), 2nd Court, Hooghly in Title Suit No. 201 of 2010 is directed to ensure collection of learned Deposition Commissioner's report at the earliest opportunity, followed by expeditious disposal of the suit, preferably within a period of six months from the date of communication of this order, but without granting unnecessary adjournments, unless it is extremely unavoidable.

While endeavouring such exercise, an opportunity of hearing must be ensured to both the parties.

Petitioner is directed to make communication of this order not only to the learned Court below, but also upon the opposite party and her learned advocate appearing in the Court below.

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

(Subhasis Dasgupta, J)