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C.O. 684 of 2022

**Pradip Kumar Chatterjee @ Prodip Kumar Chatterjee
Vs
Somnath Chatterjee & Ors.**

Mr. Debjit Mukherjee,
Ms. Dipannita Ganguly,
Mr. Kaustav Bhattacharya ... For the petitioner.

A direction to secure expeditious disposal of a Title Appeal, now pending before the learned Additional District Judge, 5th Court, Howrah, is the ultimate relief sought for in this revisional application.

Admittedly, the suit has been instituted in the year 2011. The suit was ultimately decreed on 30th April, 2018, and appeal was then preferred impugning such judgment and decree on 14th May, 2018, vide Title Appeal No. 109 of 2018. The petitioner/plaintiff wining the suit in the Trial Court entered appearance in the pending appeal on 29th May, 2018.

According to Mr. Mukherjee, the appeal is posted for hearing since 19th July, 2018. Upon advertng to Order No. 30 dated 16th December, 2019, passed in T.A No. 109 of 2018, Mr. Mukherjee contends that the appeal has been transferred to learned Additional District Judge 5th Court, Howrah.

It is learnt that said Court is lying unmanned , and learned Additional District Judge, Fast Track

Court-I, Howrah is in-charge of this Court.

The moment when the case was transferred to the learned Additional District Judge, 5th Court, Howrah, the presiding officer was very much available in the Court of learned Additional District Judge, 5th Court Howrah.

Mr. Mukherjee further contends that even after fixation of dates for hearing of this appeal, the hearing of the appeal is getting delayed on several grounds, as already disclosed in the photocopy of the orders, filed with the instant revisional application.

The situation is thus clear that presently learned Additional District Judge, Fast Track Court I, Howrah is in-charge of learned Additional District Judge, 5th Court, Howrah.

The respondent/plaintiff is submitted to be a senior citizen.

In view of the nature of the order proposed to be made, no prior notice upon the opposite parties is considered to be necessary.

The service upon the opposite parties is thus dispensed with.

Since the respondent/plaintiff is a senior citizen, and since no officer is posted presently in respect of learned Additional District Judge, 5th Court, Howrah, learned Additional District Judge, Fast Track Court I, Howrah remaining in charge is requested to ensure

expeditious disposal of pending appeal, after causing disposal of interlocutory applications, if there be any, providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournments, unless it is extremely unavoidable.

While endeavouring such exercise, the learned Judge remaining in-charge of learned Additional District Judge, 5th Court Howrah may proceed with the disposal of the suit in the manner, as situation of the case would demand, subject to his suitability and convenience of the parties also.

Petitioner is directed to make communication of this order to the learned Court below as well as to the learned advocate appearing for the opposite parties in the Court below and the opposite parties also.

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

Urgent photostat certified copy of this order be given to the learned advocates for the parties on the usual undertakings, if applied for.

(Subhasis Dasgupta, J)