

08.04.2022
Item No.34
Ct. No.7
CHC
(disposed of)

**C.O.725 of 2022
(Physical Hearing)**

**Smt. Manju Agarwal
Vs.
Shyam Kumar Agarwal**

Mr. Sibnath Ganguly
...for the petitioner

A direction to secure expeditious disposal of a pending suit is the ultimate relief sought for in this case.

Admittedly, this is a suit for partition, wherein defendant already received summons, and there after almost one year has been elapsed by reason of adjournments being granted by the learned court below enabling the defendant to file written statement.

It is contended by the learned advocate for the petitioner that the provisions incorporated under Order 8 Rule 1 of the Code of Civil Procedure should be adhered to by the learned court below, as regards acceptance of written statement. When statute is very clear, it is believed that learned court below would sincerely adhere to the provisions contained under Order 8 Rule 1 of the Code of Civil Procedure.

In view of the nature of the order proposed to be made in this case, no prior notice is considered to be

necessary. Service upon the opposite party is, thus, dispensed with.

Learned Civil Judge (Senior Division) at Sealdah in Title Suit No.96 of 2020, is requested to adhere to the provisions available under Order 8 Rule 1 C.P.C. depending upon the facts and circumstances of the case.

With this direction/observation, 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.)