

11.05.2022
SL No.22
Court No.8
(gc)

FMA 441 of 2022
With
CAN 1 of 2022
With
CAN 2 of 2022

Smt. Anju Rai & Anr.
Vs.
Smt. Asha Rai & Ors.

Mr. Abhijit Ray,
Mr. Shubham Gupta,
Mr. Rajiv Kumar,
Ms. Tania Sen,
...for the Appellants.
Ms. Hashnuhana Chakraborty,
Mr. Vinay Kumar Purohit,
...for the Respondent Nos. 1 to 3.

Re: CAN 1 of 2022

It appears that the appellants inadvertently did not incorporate the name of the respondents, namely, Sri Vijay Rai and Sri Pankaj Rai as respondent Nos.3 and 4 respectively in the memorandum of appeal.

The prayer for incorporating the name of the respondents, namely, Sri Vijay Rai and Sri Pankaj Rai as respondent Nos.3 and 4 in the memorandum of appeal is allowed. The proforma respondent Nos.3 and 4 shall be recorded as respondent Nos.5 and 6.

The department is directed to amend the cause title in course of this week.

Accordingly, The application being CAN 1 of 2022 stands disposed of.

Re: FMA 441 of 2022
With
CAN 2 of 2022

After hearing the learned Counsel for the parties and on the joint prayer of the parties, we dispose of the appeal and the application by requesting the learned Judge, XIth Bench, City Civil Court at Calcutta to dispose of Title Suit No.704 of 2016 and Title Suit No.1127 of 2020 as expeditiously as possible and preferably within a period of eight months from the date of commencement of the trial without granting any adjournment to either of the parties unless it is avoidable.

It further appears that both the suits are required to be heard analogously in terms of the order dated 31st January, 2022 passed in C.O. No.2148 of 2021.

We also record that the parties have agreed to maintain status quo as directed by the learned Trial Court. However, the learned Counsel for the appellants expressed apprehension that the suit may not be disposed of within the reasonable time which may lead to the inconvenience to the appellants in conducting their affairs.

The learned Trial Judge shall decide the suit on merits being uninfluenced by any observation made either in the impugned order dated 2nd March, 2022 or by the order passed today.

The learned Trial Judge while framing the issues may also set a time frame for conclusion of the trial.

In the event the learned XIth Bench is vacant, we request the learned Chief Judge, City Civil Court at Calcutta to place the matter before the appropriate Bench for disposal of the suits in terms of our order.

Accordingly, the appeal being FMA 441 of 2022 and the application being CAN 2 of 2022 stands disposed of.

The Registrar Administration (L&OM) is directed to communicate this order to the learned Chief Judge, City Civil Court at Calcutta for doing the needful.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Sugato Majumdar, J.)

(Soumen Sen, J.)