

S/L 36
29.9.2022
Court No.652
SD

CO 1101 of 2020

Kodai Prosad Mishra, since deceased, represented by his
legal heirs, Bhairgu Nath Mishra & Ors.

Vs.
Krishna Sinha & Ors.

Mr. S. Pal
Mr. Abhijit Boral

...for the Petitioner.

This is an application under Article 227 of the Constitution of India against the order dated 25.02.2020 passed by the learned Additional Civil Judge (Junior Division), Sealdah in connection with Ejectment Suit No.23 of 2013.

By the impugned order, the learned trial court accepted the written statement filed by the defendant subject to payment of costs as learned court was of the view that the summon was not duly served upon him and as such, the defendant may be given an opportunity to contest the suit to prevent miscarriage of justice.

However, in terms of the earlier order dated 16.9.2022, learned counsel for the petitioner has filed a status report which shows that the suit is pending before the trial court and the next date is fixed on 01.11.2022 for further examination-in-chief of defence witness no.1.

Since the suit has already been proceeded for a considerable extent and almost in the verge of completion, CO 1101 of 2020 is hereby disposed of with a direction upon

the trial court to dispose of the entire proceeding within a period of six months from the date of communication of the order without granting any unnecessary adjournment to either of the parties.

It is made clear that this court has not gone into the merits of the case.

Information slip filed by the petitioner be kept with the record.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Ajoy Kumar Mukherjee, J.)