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C.O. 876 of 2022

**Shri Tuhindra Narayan Roy
Vs
Shri Atindra Narayan Roy & Anr**

Mr. A. K. Gayan,
Ms. A. A. Gayan, ... for the petitioner.

Mr. Soumyajit Mishra,
Mr. Biswajit Chowdhury, ... for the opposite parties.

Affidavit-of-service filed today be kept with the record.

The subject matter of challenge in this revisional application is against the order dated 15th March, 2022 passed by learned Civil Judge (Senior Division), 1st Court, Howrah in Title Suit No. 49 of 2018, rejecting the put up petition filed by the petitioner on 15th March, 2022.

Learned advocate appearing for the petitioner submits that since there was an extreme urgency for the disposal of the suit, as per direction of this Court passed in C.O. 315 of 2020, a put up petition was filed on 15th March, 2022 upon supplying a copy well in advance to the learned advocate for the opposite parties, but the same has been rejected without assigning any reasons.

It is contended by the learned advocate for the petitioner that the suit is getting delayed for filing of

interlocutory applications, one after another, though the suit has already been posted for peremptory hearing.

Learned advocate appearing for the opposite parties submits in reply that 10th May, 2022 is the next date fixed for hearing of amendment application filed by the opposite parties/defendants.

The proposition of law is quite settled that before the suit is finally disposed of, the pending interlocutory application has to be disposed of first.

True it is that suit has already been posted for peremptory hearing, and there has already been a direction passed by this Court to ensure expeditious disposal.

But when date is fixed for hearing for amendment application, which is knocking, the Court is of the view that the instant revisional application may be disposed of directing the Court below to dispose of the pending interlocutory application for amendment either on the scheduled date, or if for any reasons whatsoever, the same could not be done, the interlocutory applications may be disposed of within four weeks thereafter providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournments.

After causing disposal of the interlocutory applications, the learned Court below may proceed with the disposal of the suit upon sensing the message

conveyed in C.O. 315 of 2020.

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

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

(Subhasis Dasgupta, J)