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AGM 2022
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C.O. 878 of 2022

**Swapan Kumar Das
Vs
Samit Das & Ors**

Mr. Falguni Bandopadhyay,
Ms. Sreetama Neogi,
Ms. Riya Ballav, ... For the petitioner.

A direction to secure expeditious disposal of a suit being Title Suit No. 230 of 1987 pending before learned Civil Judge (Senior Division), 1st Court, Baruipur, is the ultimate relief sought for in this case.

Admittedly, this is a partition suit instituted in the year 1987, in which preliminary decree was granted in 1988.

Though learned Accounts Commissioner has been appointed in this case but, the other side not having co-operated with the commission work, the learned commissioner has already submitted his report.

The only contention expressed by the learned advocate appearing for the petitioner is against the delay caused in the disposal of the suit, referred hereinabove.

While raising such contention as regards the inordinate delay caused to the disposal of the suit,

the attention of the Court is drawn to an order passed in C.O. 1079 of 2017 directing the Court below to ensure expeditious disposal of such suit within a period mentioned therein.

Such direction, according to the petitioner, has not been complied with.

In view of the nature of the order proposed to be made in the case, referred above, no prior notice is considered to be necessary.

Service upon the opposite parties is thus dispensed with.

Accordingly, Civil Judge (Senior Division), 1st Court, Baruipur in Title Suit No. 230 of 1987 is requested to ensure expeditious disposal of pending suit, providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournment, unless it is extremely unavoidable.

While endeavouring such exercise, learned Court below may proceed with the disposal of the suit on the basis of the learned Commissioner's Report, if already submitted, in the manner, as situation of the case, would demand, so as to dispense with the justice in a best possible and expeditious manner, upon sensing the message contained in C.O. 1079 of 2017.

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

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)