

22.04.2022
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ct. no. 7
sb

C.O 906 of 2022

Md. Anwar Alam Khan
-vs-
Zaibun Nisa, since deceased Abdul
Khalique Nehal & Ors.

Mr. Abbas Ibrahim Khan
Ms. Ariba Nayeem
Mr. Syed Khafiz Zamar
...for the petitioner

Learned advocate appearing for the petitioner is highly aggrieved with the long pendency of a title suit no. 818 of 1992 now pending before the learned Chief Judge, XIth bench, City Civil Court, Calcutta. As the court is lying vacant, an application under Section 151 of the Code of Civil Procedure was moved before the learned Chief Judge, City Civil Court, Calcutta, which was treated to be an application under Section 10 of the City Civil Court Act, 1953. A miscellaneous case was then registered.

Some shortcomings, as disclosed in the order dated 3rd March, 2022, were directed to be corrected.

Learned advocate appearing for the petitioner submits that direction for service, if made, in the Misc. case, will cause further delay to the disposal of the proposed prayer for transfer.

Upon perusal of the impugned order, it appears that no conscious decision has yet been rendered in terms of prayer seeking transfer of a Title suit no. 818 of 1992, pending before the learned Chief Judge, XIth bench, City Civil Court, Calcutta to any other court of City Civil Court, Calcutta. That being the position, the requirements of law always have to be complied with. There is no scope of making any compromise with regard to the requirement of the law.

The petitioner is given liberty to correct the shortcomings, as noted in the order dated 3rd March, 2022, quickly on the date scheduled by the court below.

Upon correction of the defects, the pending Misc. case may be disposed of, expediting the process necessary for service, but surely after providing an opportunity of hearing to both the parties in this case. Unnecessary adjournment, however, may be avoided, unless it is extremely unavoidable.

The petitioner is directed to communicate this order to the learned Court below, opposite party and their advocates as well.

With this directions and observations, this revisional application stands disposed of.

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

(Subhasis Dasgupta, J.)