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C.O. 921 of 2022

**Uma Saha & Anr
Vs
Sunil Saha**

Mr. Rahul Sengupta,
Mr. Abhijit Pal, ... For the petitioners.

A direction to secure expeditious disposal of a suit being Title Suit No. 325 of 2013 now pending before learned Civil Judge (Senior Division), 1st Court, Barasat, is the ultimate relief sought for in this case.

Admittedly, this is a suit for partition wherein there has been a preliminary decree already granted in this case.

An application under Order 6 Rule 13 of the Code of Civil Procedure praying for appointment of Survey Passed Commissioner to effect the partition in terms of the preliminary decree was filed on 29th September, 2021.

The only contention expressed by the learned advocate appearing for the petitioners is against the delay caused in the disposal of a pending petition for appointment of Survey Passed Pleader Commissioner, and the consequent delay caused therefor to the ultimate disposal of the partition suit.

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 party is thus dispensed with.

Accordingly, Ld. Civil Judge (Senior Division), 1st Court, Barasat in Title Suit No. 325 of 2013 is requested to ensure expeditious disposal of pending partition suit upon expediting the commission work, after disposing of the interlocutory application under Order 6 Rule 13 of the Code of Civil Procedure, providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournment, unless it is extremely unavoidable.

Petitioners are 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 party and the opposite party.

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)

