

20 26.04.
AGM 2022
RKB
Ct
07

C.O. 922 of 2022

**Nirapada Das @ Nirapada Adhikari
Vs
Subal Das & Ors**

Mr. Sabyasachi Mukhopadhyay,
Ms. Koushikee Banerjee,
... For the petitioner.

A direction to secure expeditious disposal of a suit being Title Suit No. 87 of 2012 now pending before learned Civil Judge (Senior Division), Basirhat, is the ultimate relief sought for in this case.

Admittedly, this is a suit for partition instituted in the year 2012.

Mr. Sabyasachi Mukhopadhyay, learned advocate appearing for the petitioner/plaintiff submits that though the suit was instituted in the year 2012, but till date, there has been no logical conclusion reached granting a preliminary decree for the purpose.

The only contention raised by the petitioner is against the delay caused in the disposal of the 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 parties is thus dispensed with.

Upon perusal of the photocopy of the orders passed by the learned Court below annexed with the instant revisional application, it appears that the learned Commissioner has already filed a report along with the sketch map, which in so many words has not been accepted by this Court, but date has been fixed for peremptory hearing.

Accordingly, Civil Judge (Senior Division), Basirhat in Title Suit No. 87 of 2012 is requested to ensure expeditious disposal of pending partition suit, after disposing of the interlocutory applications, if there be any pending, 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, the year of institution of partition suit may be taken into account, and the learned Court below may proceed with the disposal of the suit, in the manner, as situation of the case, would demand, so as to dispense with the justice in a best possible and expeditious manner.

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)