

10.05.2022  
Item No.22  
Ct. No.7  
CHC  
(disposed of)

**C.O.924 of 2022**

**Maithon Alloys Limited**  
**Vs.**  
**Amit Mines (P) Ltd. & anr.**

Mr. Sukanta Chakraborty,  
Mr. Anindya Halder  
...for the petitioner

Mr. Srijib Chakraborty,  
Mr. Aditya Mondal  
...for the opposite parties

A direction to secure expeditious disposal of Title Suit No.32 of 2008, pending before the learned Civil Judge (Senior Division), 1<sup>st</sup> Court, at Asansol, is the ultimate relief sought for in this case.

Admittedly, this is a suit for money, and the preliminary money decree was passed on 5<sup>th</sup> November, 2014. Against the decision of trial court, an appeal was then carried vide F.A.T.607 of 2014. An order of interim conditional stay was granted in connection with that appeal, which was subsequently modified on 12<sup>th</sup> January, 2015, modifying the interim conditional stay order upon granting liberty to the trial court to pass the final decree on the basis of the report of the learned Accounts Commissioner.

Mr. Sukanta Chakraborty, learned advocate appearing for the petitioner/decreed-holder submits that effects of the preliminary money decree should be

made available to the petitioner/decreed-holder, and to expedite the same petitioner has already filed one application dated 21<sup>st</sup> January, 2016, praying for drawing upon of final decree on the basis of the Commissioner's Report.

Per contra, Mr. Srijib Chakraborty, learned advocate appearing for the opposite parties/Jdr submits that against the Commission Report, held *ex parte* , an application dated 4<sup>th</sup> February, 2015 has been filed by the opposite parties which has not yet been disposed of, but date has been fixed on 18<sup>th</sup> June, 2022.

It is also submitted by Mr. Srijib Chakraborty that his application dated 4<sup>th</sup> February, 2015 should be disposed of first, otherwise there will be complication in the ultimate decision of Money decree.

Having considered the submission of both sides, it appears that there are two interlocutory applications one dated 4<sup>th</sup> February, 2015 filed by Jdr, and another application dated 21<sup>st</sup> January, 2016, filed by decreed-holder pending in connection with the instant suit.

That being the position, learned Civil Judge (Senior Division), 1<sup>st</sup> Court, at Asansol, is requested to dispose of the petition filed by the Jdr dated 4<sup>th</sup> February, 2015 expeditiously either on the date scheduled by the court below, or if for any reason whatsoever, the same could not be done, the said application may be disposed of

within four (04) weeks thereafter, and after the disposal of the application filed by the Jdr, the court below may proceed to ensure expeditious disposal of petition of decree-holder, dated 21<sup>st</sup> January, 2016, providing sufficient opportunity of hearing to either of the parties to this case, upon sensing the message contained in F.A.T.607 of 2014 dated 12<sup>th</sup> January, 2014.

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

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

**(Subhasis Dasgupta, J.)**