

26.04.2022
27
ct. no. 7
sb

C.O. 940 of 2022

**Sri Narayan Chandra Das
Vs.
Sri Bishwanath Das & Ors.**

Mr. Abir Chakraborty
Mr. Dyutimoy Paul
...for the petitioner

A direction to secure the expeditious disposal of a probate case registered against O.S. Suit No. 49 of 2015 pending before the learned Additional District Judge, 3rd Court, Barrackpore, is the ultimate relief, sought for in this case.

Admittedly, the court below is going through the stage of collection of evidence, and as many as three witnesses have already been examined. The cross-examination of PW-3 is submitted to be lying deferred.

The only contention expressed by the petitioner is against the delay caused in the disposal of the probate proceeding, for the adjournments being granted at the mere asking of the opposite parties.

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

The service upon the opposite parties is thus dispensed with, so far as the present revisional application is concerned.

Accordingly, learned Additional District Judge, 3rd Court, Barrackpore in O.S. Suit No. 49 of 2015 is requested to ensure expeditious disposal of such suit, referred above, providing sufficient opportunities of hearing to both the parties, but without granting any unnecessary adjournment to either of the parties, unless it is extremely unavoidable.

While endeavouring such exercise, the cross-examination of PW-3 may be concluded either on the date scheduled, or if for any reason whatsoever, the same could not be done, the cross-examination of PW-3 may be finished within three weeks thereafter.

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

With this direction and observation, 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.)