

01.12.2022

List – D/L.

SI No.33.

Mithun

Ct.No.652.

CO 802 of 2021

Sri Arun Kumar Mondal & Anr.

Vs.

Smt. Malabika Bhattacharya

Mr. Partha Pratim Royl, Adv.

Mr. Nilanjan Adhikari, Adv.

Mr. R. Chowdhury, Adv.

...for the petitioners.

In this revisional application petitioner has made very innocuous prayer for expeditious disposal of Ejectment Suit No.46 of 2006 pending before the Civil Judge (Junior Division) at Bidhannagar. Considering the nature of the prayer made in the application, the service of this revisional application and the notice upon the opposite party is dispensed with.

Petitioner contended in this revisional application that petitioner/plaintiff filed a suit for eviction and khas possession being Ejectment Suit No.46 of 2006 and the opposite party entered appearance in the said suit on 13.07.2006 and filed application under Section 7 (1) and 7 (2) of the West Bengal Premises Tenancy Act. Since then inordinate delay in disposing the said application under Section 7 of the West Bengal Premises Tenancy Act has been caused mainly due to indulgence of

frequent adjournments and unnecessary lingering of hearing of an application by the Court below.

Petitioner further submits that he is an old senior citizen and he is suffering from unbearable disturbance and harassment caused by the opposite party/defendant. As such, petitioner sought for a direction upon the Trial Court for expeditious disposal of the said application as well as the suit.

Considering the submission, it appears that the prayer made by the petitioner is quite justified and apparently there is no reason as to why an application filed by the defendant under Section 7(2) of the West Bengal Premises Tenancy Act is pending for disposal since 2006. Certified copy of orders also goes to show that the case has been adjourned in a mechanical way for long time.

In such view of the matter, the Civil Judge (Junior Division) at Bidhannagar is hereby directed to dispose of the pending application under Section 7 of the West Bengal Premises Tenancy Act positively within a period of 3 months from the date of communication of the order and he will also make every endeavour to conclude the entire proceedings of the suit within a period of one year from the disposal of the application under Section 7 of the West Bengal Premises Tenancy Act without granting any unnecessary adjournment to either of the parties.

C.O.802 of 2021 is, thus, **disposed of** accordingly.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Ajoy Kumar Mukherjee, J)