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C.O. 991 of 2022

**Ajoy Kumar Chandra
Vs
Sm. Sukla Pal & Ors**

Mr. Sandip Das, ... for the petitioner.

A direction to secure expeditious disposal of Misc Case No. 7 of 2021 arising out of Title Suit No. 187 of 2015 of learned Civil Judge (Senior Division), 5th Court, Alipore, is the ultimate relief sought for in this case.

Admittedly, the misc case is at the matured stage and it is under Order 22 Rule 9 for setting aside the abatement.

Learned advocate for the petitioner is very candid in his submission that an application for amendment under Order 6 Rule 17 of the CPC is also pending for decision.

As per submission disclosed, the date of delivery of judgment of Misc case has already been fixed.

That being the position, no other point is raised requiring address by this Court.

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

Service upon the opposite parties is thus

dispensed with.

Accordingly, learned Civil Judge (Senior Division), 5th Court, Alipore in Misc Case No. 7 of 2021 arising out of Title Suit No. 187 of 2015 is requested to ensure expeditious disposal of the pending misc case, referred hereinabove, providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournment, unless it is extremely unavoidable.

This would not, however, prevent the Court below to ensure expeditious disposal of the pending interlocutory application for amendment after causing disposal of the misc case, mentioned hereinabove.

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)