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C.O. 1097 of 2022

**Golden Dragon Restaurant & Ors.
Vs
Artistry House Private Limited & Anr.**

Mr. Kajal Roy,
Mr. Aditya Sen,
... For the petitioners.
Mr. Pramit Bag,
Mr. Rajarshi Ganguly. ... for the O.P. No.2

A direction to secure expeditious completion of Commission work pertaining to the provisions available under Order 39 Rule 7 of the Code of Civil Procedure, is the ultimate relief sought for in this case.

Admittedly this is a suit for declaration and injunction, in which an order for Inspection Commission was made on 2016.

The only contention expressed by the petitioners is against the delay caused in the submission of learned Commissioner's report, after holding the required inspection.

Mr. Pramit Bag, learned advocate appearing for the opposite party No.2 submits frankly that no prayer has been proposed to be obtained, as regards the opposite party no.2 with respect to the proposed completion of the Commission work.

Accordingly, learned Judge Bench V, City Civil

Court at Calcutta in Title Suit No.42 of 2007, is requested to ensure expeditious completion of Commission work under Order 39 Rule 7 of the C.P.C., and if necessary upon expediting the process necessary therefor, preferably within a period of Six (06) weeks from the date of communication of this order.

While endeavoring such exercise, unnecessary adjournment may not be granted on the prayer of either of the parties to this case, unless it is extremely unavoidable.

This would not, however, prevent the court below to ensure expeditious disposal of the suit, providing sufficient opportunity of hearing to either of the parties to this case, upon collection of learned Inspection Commission's report.

Petitioners are 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 undertaking.

(Subhasis Dasgupta, J)