

17.05.2022
Item No.10
Ct. No.7
CHC
(disposed of)

C.O.1128 of 2022

Somnath Das
Vs.
Smt. Maya Das

Mr. Amlan Jyoti Sengipta,
Mr. Raja Ram Banerjee
...for the petitioner

A direction to secure expeditious disposal of the suit being Title Suit No.231 of 2004, now pending before the learned Civil Judge (Junior Division), Bidhannagar, is the ultimate relief sought for in this case.

Learned advocate appearing for the petitioner submits that the dispute raised in this case is with regard to a pathway.

Admittedly, the suit property had been subjected to investigation appointing learned Investigation Commissioner under Order 26 Rule 9 C.P.C.

The Investigation Commissioner has already submitted his report. The report so submitted has to be accepted by the court below providing an objection hearing for the purpose.

The only contention expressed by the learned advocate for the petitioner is against the delay caused in the disposal of the suit.

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

Service upon the opposite party stands dispensed with.

Accordingly, learned Civil Judge (Junior Division), Bidhannagar, in Title Suit No.231 of 2004, is requested to ensure expeditious disposal of interlocutory petition pertaining to the submission of learned Investigation Commissioner's report under Order 26 Rule 9 C.P.C., providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable.

This would not, however, prevent the court below to ensure expeditious disposal of the suit bearing in mind the year of institution of the suit, after causing disposal of interlocutory application under Order 26 Rule 9 C.P.C. as referred hereinabove.

Petitioner is directed to make communication of this order to the learned court below as well as to the opposite party and her learned advocate in the court below.

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.)