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C.O. 1229 of 2022

**Shri Subrata Talukdar
Vs
Smt Sharmila Talumder & Ors**

Mr. Satyam Mukherjee,
Mr. Soumyadeep Mukherjee,
Ms. Sayani Ahmed, ... For the petitioner.

A direction to secure expeditious disposal of a partition suit being Title Suit No. 22 of 2005 (F.D.) pending before the learned Civil Judge (Senior Division), 2nd Court, Barasat, is the ultimate prayer in this case.

Admittedly, preliminary decree was granted long before. Subsequently, learned pleader commissioner was appointed in 2015, and pleader commissioner has submitted his report in 2019.

It is contended by learned advocate for the petitioner that till such time, the evidence of pleader commissioner could not be completed, so as to give effect to the preliminary decree already granted in this case.

No other point is raised requiring address by this Court.

The only contention expressed by learned advocate for the petitioner is against the delay caused in the collection of evidence of learned

pleader/partition commissioner.

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

Service of notice of this application upon opposite parties stands dispensed with.

Accordingly, learned Civil Judge (Senior Division), 2nd Court at Barasat in Title Suit No. 22 of 2005 (F.D.) is requested to ensure collection of evidence of learned pleader commissioner expeditiously, but without granting unnecessary adjournments, unless it is extremely unavoidable.

While endeavouring such exercise, the year of institution of the partition suit may be taken into account, and the learned Court below may proceed with the disposal of the partition suit, referred hereinabove, in the manner as situation of this case would demand so as to dispense with a justice in a best possible and expeditious manner.

Petitioner is directed to make communication of this order to the learned advocate for the opposite parties as well as learned court below.

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)