

13.06.2022
Item No.13
Ct. No.7
CHC
(disposed of)

C.O.1275 of 2022

Kalpana Das & ors.

Vs.

**United Bank of India (now Punjab National Bank) &
anr.**

Mr. Soumik Ganguly,
Mr. Lalratan Mandal,
Mr. Dilip Kumar Sadhu
...for the petitioners

A direction to secure expeditious completion of exercise, required to be undertaken under Order 5 of the Code of Civil Procedure for securing attendance of the defendants, upon issuing summons necessary therefor is the ultimate relief sought for in this case.

No other point is urged requiring address by this Court.

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

Service upon the opposite parties stands dispensed with.

Mr. Ganguly, learned advocate appearing for the petitioners advertent to order dated 6th December, 2021 submits that requisites have already been put in to secure attendance of the defendants, upon serving summons therefor, but the court below by subsequent order dated 17th February, 2022, made an erroneous

observation stating that requisites had not yet been put in.

It appears, however, from the impugned order that there has already been direction for issue of summons.

Upon considering the submission of learned advocate appearing for the plaintiffs, it appears that justice may be best subserved upon directing the court below to expeditiously exhaust the steps necessary for securing attendance of the summons, as available under Order 5 of the Code of the Civil Procedure, so that the logical conclusion of the case may be duly reached by the court below, providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable.

Petitioners are directed to make communication of this order to the learned court below as well as to the opposite parties and their 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.)