

12
sandip
Ct. 18
07.07.2022

C.O. No. 1588 of 2022

Sri Gobinda Chandra Nandy
Vs.
Sri Gour Chandra Nandy & Ors.

Mr. Tanmoy Mukherjee,
Mr. Souvik Das,
Mr. K. Raihan Ahmed ... For the petitioner.

The order proposed to be passed in the present application under Article 227 of the Constitution of India would not cause any prejudice to the opposite parties, as such, service of notice of the present application upon the said opposite parties is dispensed with.

The petitioner of the present application under Article 227 of the Constitution of India filed a suit in the year 2006 for eviction of the opposite parties from the suit property on the ground that they are licensees therein, the said suit was ultimately dismissed in the year 2016.

The plaintiff aggrieved by the judgment and decree dismissing the suit, preferred an appeal being Title Appeal No. 128 of 2016 pending before the 4th Court of learned Additional District Judge at Howrah.

The plaintiff is complaining inordinate delay in disposal of the said appeal and is praying a direction upon the appeal Court below for expeditious disposal of the said appeal and the pending applications thereto.

It appears from the record that the said appeal was fixed for hearing on August 08, 2018 but further proceeding of it has been arrested due to the pendency of the application filed by the respondents seeking amendment of their written statement and two applications ancillary thereto.

Notwithstanding disruption of the normal functioning of the Courts due to intervention of the Covid-19 pandemic, pendency of such nature of applications for such long time is not appreciated.

The record further reveals that July 16, 2022 is the date fixed in the appeal for hearing of the said applications.

The Appeal Court below is requested to dispose of the said pending applications on the said date fixed, in the event, for any unavoidable reason, the said applications cannot be disposed of on the said date, same shall be disposed of within a week from the said date.

The Appeal Court below is further requested that after disposal of the said pending applications, to make all endeavour to dispose of the said appeal as expeditiously as possible, preferably within a period of five effective available working months of the said Appeal Court and in doing so, shall not entertain the prayer of the parties for any unnecessary adjournment.

The petitioner is required to communicate this order to the opposite parties and to the learned advocate representing them in the Appeal Court below.

C.O. 1588 of 2022 is disposed of with the above terms without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)