

07.09.2022
Item No.12
Ct. No.7
CHC
(disposed of)

C.O.1824 of 2022

**Sri Lakshmi Kanta Chakraborty
Vs.
Hari Sankar Kundao & ors.**

Mr. Krishna Das Poddar
...for the petitioner

Mr. Abhijit Ray,
Mr. Shubham Gupta,
Mr. Srishendu Bikash Pal
...for the opposite parties

The petitioner has set out an event of medical emergency, disclosed in paragraph-‘7’ of application dated 25th January, 2019, under Section 151 C.P.C., and taking recourse to such event, learned advocate appearing for the petitioner submits that despite the order of the court below, recorded on 5th December, 2018, the opposite parties/plaintiffs have purposefully avoided so as to ensure best cooperation of the opposite parties/plaintiffs to meet the medical emergency of petitioner.

Admittedly, by order dated 5th December, 2018, there is an order passed by the court below, which is set out as follows:

“The plaintiff is directed to co-operate with the defendant/tenant at the time of any exigency in respect of opening or closing of the main entrance gate so that no inconvenience is caused to the

defendant in meeting any medical needs.”

Upon referring such order, learned advocate for the petitioner submits that the life of a tenant cannot be put at the mercy of the landlords/opposite parties even to meet up a situation based on medical emergency.

Incidentally, petitioner has proposed for supplying a duplicate key of the main gate simply to face the medical emergency as and when arises.

Per contra, Mr. Abhijit Ray, learned advocate appearing for the opposite parties denies the allegations raised submitting that the instant application is purely harassive one simply to cause delay to the disposal of the suit, which has already been set for cross-examination.

It is contended by the learned advocate for the opposite parties that cross-examination of P.W.1 has been deferred due to the emergence of this application under Section 151 C.P.C. on frivolous grounds. However, Mr. Ray, learned advocate for the opposite parties assures this Court that all sorts of cooperation will be rendered to the petitioner/defendant as and when requires to meet up medical emergency doing adherence to the order passed already by the court below on 5th December, 2018.

In view of such assurance given by the learned advocate for the opposite party, and when there is

already an order passed by the court below dated 5th December, 2018, directing opposite parties/plaintiffs to cooperate with the defendant/tenant at the time of any exigency as and when arises, the question of handing over of any duplicate key to the petitioner, as proposed, does not arise. The issue thus requires no further elaboration.

The revisional application is thus disposed of with the observation made hereinabove, directing the court below to ensure expeditious disposal of the suit, providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable.

Parties are directed to make communication of this order to the court below.

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.)