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C.O. 2119 of 2022

**Sri Abhik Sinha Ray & Anr.
Vs.
Smt. Sanghamitra Mukherjee & Ors**

Mr. Tapas Mukherjee, ... For the petitioners.

A direction to secure expeditious disposal of Title Suit No. 44 of 2016, is the ultimate relief sought for in this case.

According to learned advocate for the petitioners, this is a suit for eviction against a sole tenant, originally instituted in the year 2010, and subsequently renumbered as 44 of 2016, on being transferred.

The sole defendant during the hearing of argument left this world.

By order dated 20th January, 2021, legal heirs, left by sole defendant, was allowed. Defendant NO.1(a) to 1(c) thus stepped into the shoes of original defendant in aid of Order 22 Rule 4 of C.P.C.

It is submitted by the learned advocate for the petitioners that though the proposition of law is very clear that the legal heirs being impleaded under Order 22 Rule 4 of C.P.C. need not file any written statement in the pending litigation, provided the predecessor of substituted defendants has already furnished written statement in the case, but when

the court has allowed an opportunity to the legal heirs of the sole defendant, who have already entered their appearance, permitting them to file additional written statement, the same should not be proceeded in an endless manner.

No other point is raised requiring address by this Court.

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

Service upon the opposite parties is thus dispensed with.

Accordingly, learned Civil Judge (Senior Division), 1st Court, Alipore in Title Suit No. 44 of 2016 is requested to ensure expeditious disposal of the suit, referred hereinabove, providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournment, to substitute defendant for filing their written statement, unless it is extremely unavoidable.

It is, however, clarified that while endeavoring such exercise, the pending suit may be set for argument immediately, after collection of the written statement from substituted defendants, if any, and the logical conclusion of the suit may be reached preferably before the end of March, 2023.

Petitioners are directed to make communication

of this order to the learned court below as well as to the learned advocate appearing in the court below for the opposite parties and the opposite parties.

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)