

19.12.2022
Item No.8
Ct. No.7
CHC
(disposed of)

C.O.2288 of 2022

Banashree Bhattacharya
Vs.
Debasish Ganguly & anr.

Mr. Sankar Prasad Dalopati,
Mr. Sourav Mondal
...for the petitioner

Mr. Aranyak Saha
...for the opposite parties

Affidavit-of-service furnished by the petitioner be taken on record.

A direction to secure expeditious disposal of an application under Section 151 read with Section 152 C.P.C. filed on 24th December, 2022, intending to make necessary correction regarding the date of delivery of judgement and order in Title Suit No.3633 of 2014, is the ultimate relief sought for in this case.

Mr. Saha, learned advocate appearing for the opposite parties undertakes to furnish a Vakalatnama in the department shortly.

It is submitted by the petitioner that though there has been a decree of eviction recorded by the judgement and order dated 13th March, 2020, but it has been inadvertently recorded as 12th March, 2020 instead of 13th March, 2020, resulting in

complication. An application, thereafter has been filed on 24th December, 2021, praying for removing the defect as regards date of delivery of judgement and order.

It is submitted further by the petitioner that putting a by date by the present Presiding Officer of the court, may redress the situation, and with this, there will be no prejudice caused to either of the parties to this case.

Mr. Saha, learned advocate appearing for the opposite parties submits that provisions available in CRO may be given effect to, to correct the defects apparent in the face of the record. No further elaboration as such is necessary.

The revisional application stands disposed of directing the court below to ensure expeditious disposal of application under Section 151 read with Section 152 of the Code of Civil Procedure filed on 24th December, 2021, providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, preferably before the end of February, 2023.

With this observation/direction, the revisional application stands disposed of.

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.)