

23.02.2022
Ct. 21
D/L 95
ab

C.O. 2238 of 2021
(Via Video Conference)

Arjun Kumar Mondal
-Vs-
Smt. Shyamali Mondal & Ors.

Mr. Surajit Biswas,

... for the petitioner

Mr. Surajit Biswas, learned advocate appears for the petitioner.

Record shows that the notice of this application has not been served on the opposite parties.

The petitioner by filing the present application under Article 227 of the Constitution of India has prayed for expeditious disposal of the Title Suit No. 89 of 1997 along with the application under Order 1 Rule 10(2) of the Code of Civil Procedure, pending before the learned Civil Judge (Senior Division), 9th Court at Alipore.

The learned advocate for the petitioner submits that a coordinate Bench of this Hon'ble Court in C.O. 2596 of 2017 on 06.11.2017 directed the learned Court below to dispose of the suit within three months from the date of the communication of this order but the learned Court below has failed to comply such direction.

The learned advocate for the petitioner submits that the learned Court below has been granting unnecessary adjournments and due to which, there is a delay in disposal of the case and such delay is causing hardship to the petitioner.

Having regard to the nature of relief claimed by the petitioner, being a prayer for expeditious disposal of the title suit, I do not find any need to serve notice of the present application on the opposite parties and it is not likely to cause any prejudice to the interest of the opposite parties. Therefore, service of notice upon the opposite parties is dispensed with.

The learned Civil Judge (Senior Division), 9th Court at Alipore, is requested to dispose of Title Suit No. 89 of 1997 along with the application under Order 1 Rule 10(2) of the Code of Civil Procedure, as expeditiously as possible and in any event, within a period of one year from the date of communication of this order, without granting any adjournment whatsoever to any of the parties, as the suit is pending since 1997.

Accordingly, the revisional application being **C.O. 2238 of 2021** is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all formalities.

(**Kesang Doma Bhutia, J.**)