

05.01.2022
(S/L-16)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 2256 of 2021

Shri Lal Mohan Bera
-Vs-
Shri Atanu Pramanik & Anr.

Mr. Haradhan Banerjee,
.... 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 was the plaintiff of the suit for eviction of licensee being Title Suit no. 262 of 2011. The decree passed in the said suit is under challenge in Title Appeal No. 3 of 2021 pending before the learned District Judge, Haldia, District- Purba Medinipur.

The grievance of the petitioner is that although he has lodged a caveat in anticipation of an application for stay to be moved in the said appeal but without serving notice, the judgment and decree under appeal has been stayed vide order no. 2 dated March 20, 2021 on an application filed by the opposite parties.

Mr. Haradhan Banerjee, learned Senior Advocate appearing on behalf of the petitioner submits that leave may be granted to the petitioner to file an appropriate application in the said appeal drawing attention of the Appeal Court Below about the said fact.

The approach of Mr. Banerjee is reasonable.

The petitioner is permitted to file application before the Appeal Court below indicating the details of caveat lodged by him and praying appropriate order.

If such an application is filed, the Appeal Court below is requested to dispose of the same expeditiously, in accordance with law obviously after giving notice to the appellant within a period of six weeks from date of filing of the said application and in doing so, shall not grant any unnecessary adjournment to either of the parties.

The Appeal Court below, thereafter, shall make all endeavour to dispose of the said appeal expeditiously.

C.O. 2256 of 2021 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 party subject to compliance with all requisite formalities.

(Biswajit Basu, J.)