

18.04.2022
Court No. 18
Item no.22
CP

C.O. 3861 of 2019

Rama Goswami & ors.
Vs.
Radha Dutta & anr.

Mr. Narayan Chandra Mondal
Ms. Anushika Bharati

...for the petitioners.

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 petitioners are the defendants in the suit for declaration of title and injunction being Title Suit No. 81 of 2013, pending before the 2nd Court of learned Civil Judge (Junior Division), Baruipur, District – 24 Parganas (South). The petitioners although in the present application has challenged the order dated April 11, 2019, passed in the said suit whereby the learned Trial Judge has allowed an application filed by the plaintiffs for amendment of the plaint but Mr. Narayan Chandra Mondal, learned advocate appearing for the petitioners, submits that his clients instead of challenging the legality and propriety of the said order, are seeking a direction upon the learned Trial Judge for expeditious disposal

of the said suit. The suit is pending since 2013 and the petitioners are suffering an order of injunction passed in the said suit. Therefore, pendency of the said suit is obviously causing hardship upon the petitioners.

C.O. 3861 of 2019 is disposed of by requesting the learned Trial Judge to dispose of the said suit as expeditiously as possible, if the same is otherwise ready for such disposal and in doing so no unnecessary adjournments shall be given to either of the parties.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)