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C.O. 3295 of 2022

**Swapan Kumar Bhadra
Vs
Aniruddha Ghose**

Mr. Sanjoy Mukherjee,

... For the petitioner.

Mr. Buddhadeb Ghosal,

Mr. Sourav Sen,

Ms. Adrisnata Chakraborty,

... For the opposite party.

Mr. Sanjay Mukherjee, learned advocate appearing for the petitioner, while assailing the impugned order dated 16.09.2020 passed by learned Civil Judge (Junior Division), 4th Court, Alipore in Ejectment Suit No. 207 of 2010, submits that the Court below before setting the matter for argument, ought to have taken into account that the direction passed by the High Court with regard to the restoration of water connection to the premises of the petitioner till such date could not be given effect to.

Mr. Mukherjee with all his candidness submits that petitioner may not be described to a litigant causing delay to the disposal of the suit. He is not against the expeditious disposal of the suit, and as such the argument, if already set for, may be proceeded with, but the order of this Court directing restoration of water supply made in the meantime, be given effect to, which, as on date, remains uncomplished

with.

Mr. Buddhadeb Ghosal assisted by Mr. Sourav Sen submits that conduct of the petitioner is very revealing, which has been significantly noted by the Court below in the order impugned.

It is thus contended by Mr. Ghosal that entire exercise undertaken by the petitioner under the garb of non-supply of water is to cause delay to the disposal of a suit for eviction.

The approach of the petitioner is nothing, but dilatory one, which should not be allowed to be continued any more, Mr. Ghosal argues.

Upon perusal of the impugned order in context with the submission advanced by both the parties to this case, it appears that Ejectment Suit was instituted in the year 2010.

Petitioner is stated to have sustained without water since 2011. Now we are at the fag end of 2022. The exact habitation or use of the tenanted premises is under challenge in this case. The order of restoration could not be given effect to even for the sincerest exercise undertaken by the Court below, for the adjournment proposed by the defendant.

When the suit is already set for argument, there is hardly any scope for further elaboration. The logical conclusion of the suit may be reached at an early date preferably before the end of February 2023 by the

Court below.

The interlocutory application, in particular the petition dated 2nd July, 2019, if it still remains pending, the same may be disposed of giving a chance of hearing to both the sides.

The cost, if not already deposited, as ordered by the Court below, need not be deposited by the petitioner.

The suit may be decided independently in context with the evidence to be adduced by both the parties to this case during trial, without being influenced by the tentative findings, if any reached, by the Court below during interlocutory stage.

The petitioner/defendant is, therefore, to ensure his best cooperation so that the logical conclusion of the suit may be reached within the period mentioned hereinabove.

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)