

06.12.2022
Item No.26
Ct. No.7
CHC
(disposed of)

C.O.3544 of 2022

Omer Farooque & ors.

Vs.

Md. Nasir Sualeh & ors.

Mr. Prantick Ghosh,
Mr. Prasad Bhattacharyya
...for the petitioners

A direction to secure expeditious disposal of an interlocutory application filed in connection with Partition Suit being Title Suit No.1965 of 1994, is the ultimate relief sought for in this case.

Admittedly, preliminary decree has been granted in this case, and thereafter, learned Partition Commissioner has been appointed, who is yet to submit his report.

At this juncture, the petitioners/plaintiffs have come forward with a prayer for expunging the name of one of the defendants, for the reasons disclosed in the petition.

No other point is raised requiring address by this Court.

In view of the nature of order proposed to be made in this case, no prior notice is considered to be necessary.

Service upon the opposite parties stands dispensed with.

Accordingly, learned Judge, VIIIth Bench, City Civil Court, at Calcutta in Title Suit No.1965 of 1994, is requested to ensure expeditious disposal of the interlocutory application, filed by the petitioners praying for expunging, providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable, preferably before the end of February, 2023.

This would not however, prevent the learned Judge remaining –in-Charge of the learned Judge, VIIIth Bench, City Civil Court, Calcutta, subject to his suitability and convenience, to ensure expeditious disposal of interlocutory application, if there be any pending.

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

Petitioners are directed to make communication of this order to the learned court below as well as to the opposite parties and their learned advocate in 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.)