

10.01.2022
Item no.13
Court No.1.
S. De

Through Video Conference

Circuit Bench of Calcutta High Court at Jalpaiguri.

C.O. 116 of 2021

**Shri Ajay Agarwal @ Ajay Bansidhar Agarwal.
Vs
Ram Kishan Mittal.**

Mr. Sanjay Mazoomdar
...for the petitioner

The petitioner is generally aggrieved with the pendency of a First Appeal before the learned Additional District Judge, Kalimpong for a long time.

The petitioner was the defendant in a suit filed by the opposite party claiming declaration of tenancy and consequential injunction. The suit was dismissed. The plaintiff preferred an appeal before the learned Additional District Judge, Kalimpong. The appeal is numbered as O.C. Appeal 1 of 2019. The grievance of the petitioner is that repeated adjournments are being taken by the appellant/plaintiff/opposite party which is causing harassment to him. He says that he is 73 years old and the appeal should be brought to an early conclusion.

Since I propose to only expedite the hearing of the appeal, I do not deem it necessary to direct service on the opposite party. The learned Additional District Judge, Kalimpong is requested to expedite the hearing

of O.C. Appeal 1, 2019 to the extent the business of the Court may permit and bring the same to its logical conclusion as soon as possible and, preferably, within a year from the date of a copy of this order being placed before the learned Judge, without granting unnecessary adjournments.

Since no affidavit has been called for the allegations contained in the petition are deemed not to be admitted.

Accordingly, C.O. 116 of 2021 is disposed of.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)