

25.1.2023
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Ct. no. 652
sb

C.O. 33 of 2023

Sri Swapan Kumar Chakraborty
Vs.
Dipika Bhowmick

Mr. Souvik Das ...for the petitioner

This is an application under Article 227 of the Constitution of India seeking expeditious hearing of the Probate Suit no. 7 of 2016 arising out of Probate case no. 142 of 2012 pending before the court of learned Additional District Judge, 5th Court, Howrah.

The petitioners states that the petitioner is a senior citizen and due to long pendency of the case, one witness of the said will has died and the examination of PW 1 was concluded in the year 2021. In the meantime, one of the defendant died and prayer for substitution was made before the court below, but the said application has not yet been disposed of.

Accordingly, the petitioner has sought for a direction upon the court below for expeditious disposal of the aforesaid suit, otherwise object of filing this suit will be frustrated by delay.

Since the prayer made by the petitioner is very innocuous and if it is heard and disposed of in terms of prayer, neither party will have a cause to prejudice,

service of copy of the application and notice to the opposite party is hereby dispensed with.

Considering the long pendency of the case and that prayer made by the petitioner, is quite reasonable, C.O. 33 of 2023 is disposed of with a direction upon the learned Additional District Judge, 5th Court, Howrah to make every endeavour for expeditious disposal of the suit and to conclude the entire proceeding preferably within a period of eight months from the date of communication of the order by conducting day to day trial as far as possible, without granting any unnecessary adjournment to either of the parties.

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

(Ajoy Kumar Mukherjee, J.)