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Ct
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RUP

13.03.
2023

C.O. 41 of 2023

Khudirm Das
Vs.
Sri Ujjal Kanti Konar & Ors.

Mr. Srikrishna Samanta.

... For the petitioner.

Mr. Gopal Ch. Ghosh,
Mr. R Mondal.

... for the opposite parties.

The revisional application is taken up for hearing.

Heard both sides.

Learned advocate appearing on behalf of the petitioner has submitted that the Title Suit No. 114 of 2014 is still pending and it also appears from the certified copy of the order that the plaintiff was allowed to recall the witness on the ground of filing copy of the notice along with postal receipt and AD card and defendant/petitioner was asked to cross-examine on those documents only i.e. service of notice.

In the facts and circumstances, I do not find any illegality or infirmity of the order passed by the learned Judge in connection with Title Suit No. 114 of 2014.

From the certified copy of the Order No. 151 dated 7.12.2022 it is seen that learned Civil Judge (Junior Division), 2nd Court Arambagh, Hooghly in connection with Title Suit No. 114 of 2014, passed an order

directing defendant to ask as to why the proceeding under Section 193 of the IPC shall not initiated against him for making false application. It is submitted on behalf of the petitioner that show cause has not yet been submitted before the court so question of decision on that issue does not arise.

On this issue of initiation of proceeding under Section 193 of the IPC, I do not find any reason to interfere with the order directing show cause, at this stage.

Furthermore, on careful perusal of the order No. 154 dated 20.12.2022, I do not find any illegality for referring any matter before the Bar Association for taking necessary steps with the State Bar Council, West Bengal.

Considering all facts and circumstances and as well as with the aforesaid observation I dispose of this application with the request that learned Court should dispose of the suit expeditiously as possible after giving an opportunity of hearing to both the parties to the suit.

Parties are directed to make communication of this order to the learned Civil Judge (Junior Division), 2nd Court Arambagh, Hooghly.

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.

(Bibhas Ranjan De, J.)