

C.O. 233 of 2012
CAN 1 of 2012 (not in file)
CAN 2 of 2012
CAN 3 of 2014
CAN 4 of 2019

In the matter of : Sukumar Maity & Ors.

Mr. Dhananjay Nayek ... for the petitioners.

1. Heard Mr. Nayek, learned counsel representing the petitioners.
2. This application under Article 227 of Constitution of India impeaches the order dated 15.12.2011 passed by the learned Civil Judge, Junior Division, 6th Court, Alipore in R.C. Case No. 37 of 2005.
3. By the order impugned, learned Trial Court was pleased to reject the application filed by the plaintiff under Order XXXIX Rule 7 of the Code of Civil Procedure on the ground that by way of local inspection an attempt was made to fish out evidence. The order impugned, therefore, does not warrant any interference.
4. It is fairly submitted by Mr. Nayek that the opposite party Dilip Kumar Shaw is dead.
5. Be that as it may I have indicated hereinabove the revisional application merits no further consideration.
6. It is submitted by Mr. Nayek that the suit is pending since 2005 and the trial is yet to be commenced.
7. Learned Trial Court is directed to take all necessary steps to ensure the expeditious trial of the suit.

8. Learned Trial Court is further requested to follow the mandate of Order XVII of the Code of Civil Procedure in its letter and spirit no adjournment should be granted to either of the parties on mere asking beyond the prescribed time i.e. not more than three adjournments to any party during the hearing of the suit.

9. The revisional application is disposed of along with application, if any.

10. Let a copy of the order be sent down to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)