

02 02.11.2023
SG/NB Ct. 03

CO 607 of 2023

Ajit Kumar Basak
Vs.
Life Insurance Corporation of India & Anr.

Mr. Jayanta Samanta,
Mr. Debanshu Ghorai.
...for the petitioner.

Ms. Tanushree Dasgupta.
...for the LICl.

It is the case of the petitioner that the Estate Officer by an order in Case No. EO/306/0804 has passed order based on the eviction petition filed by the respondent. Challenging the said order, this petitioner has filed an appeal before the Ld. XIII Bench, City Civil Court, Calcutta. Considering this case, the learned Judge, XIII Bench, City Civil Court, Calcutta had granted an interim order in the case. Thereafter, on default, the appeal has been dismissed for non-appearance of this petitioner.

Later on, the petitioner filed an application in Misc. A.12/07-XII for restoring the appeal. The said application was periodically adjourned for more than eight occasions for filing the written objections by the respondents.

Finally, the matter was listed on 29.10.2022 and the Court has posted the matter on 04.03.2023 for hearing the Misc. Case. The said order was challenged by the petitioner before this Court under the Civil Revision Petition. By stating that the Ld. XIII Bench, City Civil Court, Calcutta has no authority to grant number of adjournments for filing written objection by the respondents. Therefore, by giving further time on 29.10.2022 by passing the

case for hearing the Misc. Case is against the interest of the petitioner. Therefore, he filed the present civil revision petition before this Court challenging the said order dated 29.10.2022. Learned counsel who appeared for the respondent in this case has taken notice for the learned counsel for the petitioner. Learned counsel for the respondents argued the case that this civil revision petition is absolutely not maintainable before this Court.

Admittedly, an appeal has been filed against the order of the Estate Officer. An interim order was also granted. Since the appeal was dismissed for default, the petitioner filed an application to restore the said appeal, which is still pending from the date of filing and finally it was posted on 04.03.2023 for hearing of the Misc. Case.

Since the petitioner filed the civil revision petition that is only the order up to the date of 04.03.2023, thereafter this Court is not known what happened in the Court of XIII Bench, City Civil Court, Calcutta in the said Misc. Case.

The learned counsel for the petitioner has informed this Court orally that the matter was listed on 17.11.2023 for hearing of the Misc. Case.

This Court is not understand the action of the Court No. XIII Bench, City Civil Court, Calcutta since the Misc. Case has been fixed on 04.03.2023. Why the application has been adjourned periodically that too posted to 17.11.2023 finally. Since the application challenging the order only to adjourn the case from 29.10.2022 to 04.03.2023, the petitioner is not aggrieved with this order. This is absolute opinion of this Court. Anyhow, since the application is pending till date and it is posted on 17.11.2023, this

Court is of absolute view that unless this Court is directed the Id. XIII Bench, City Civil Court, Calcutta to dispose of the application, the justice will not be end.

Therefore, considering the nature of the application and the argument of both the parties, I am inclined to pass the following order.

This civil revision application is disposed of. The XIII Bench, City Civil Court, Calcutta is directed to dispose of the Misc. Case No. Misc. A.12/07-XII on 17.11.2023 itself without giving any adjournment on either sides and to pass appropriate orders, on merits.

With these observations, the civil revision petition is disposed of.

Learned counsel for the petitioner is directed to furnish a copy of this civil revision petition to the learned counsel for the respondents.

(M. V. Muralidaran, J.)