

21.7.2023
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Ct. no. 652
sb

CO 801 of 2019

**Sunil Kumar Roy Chowdhury & Anr.
Vs.
Sambhu Roy Chowdhury**

Mr. Debapratim Banerjee ...for the Petitioners

This is an application seeking expeditious disposal of Title Suit no. 423 of 2011 along with Misc. case no. 22 of 2018, pending before the learned Civil Judge (Junior Division), 1st Court, Barasat.

The petitioners submit that the opposite party filed aforesaid suit inter alia for declaration and for permanent injunction in the year 2011. The petitioners herein as defendant entered in the said suit. The petitioner further submits that the suit was ready for peremptory hearing on 21.11.2014 but the opposite party herein being the plaintiff is dragging the said suit by not filing affidavit-in-chief and have been taking adjournments one after another. Accordingly, he has sought for necessary direction so that the aforesaid suit along with Misc. case shall be disposed of within a time frame.

Since the prayer made by the petitioners is very innocuous and if it is heard and disposed of without notice, the opposite party will have no cause to

prejudice, the service of copy of the revisional application as well as notice upon the opposite party are dispensed with.

In view of the facts and circumstances of the case, and considering that the prayer made by the petitioners is innocuous and justified and if the present application is disposed of in terms of the prayer, made in the application, neither party will have any cause to prejudice, the prayer made by the petitioner deserves to be allowed.

C.O. 801 of 2019 is accordingly disposed of with a direction upon the learned court below to make best endeavour to dispose of the aforesaid Title Suit being no. 423 of 2011 along with Misc. case no. 22 of 2018, pending before the learned Civil Judge (Junior Division), 1st Court, Barasat preferably within a period of eight months from the date of communication of the order.

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.)