

S/L 27
18.4.2023
Court No.652
SD

CO 664 of 2021

Maa Mangal Chondi Brick Field Pvt. Ltd. & Ors.
Vs.
Sri Kanta Prasad Singh, since deceased, represented by Smt.
Anjali Singh & Ors.

Mr. Nilanjan Adhikari

...for the Petitioners.

This is an application under Article 227 of the Constitution of India seeking direction upon the learned Civil Judge (Junior Division), 3rd Court, Serampore, Hooghly to conclude the hearing of the Title Suit No.21 of 1996 pending before the said court in a time bound manner.

The petitioner submits that the plaintiff filed aforesaid suit for declaration, injunction and for recovery of khas possession as against original defendant no.1 in respect of the suit property. It is alleged that the defendant without having right, title, interest over the suit land illegally encroached the same and for which the suit has been instituted. In the year 2015, the suit property was transferred by virtue of a sale deed in favour of petitioner-company and the petitioner-company has been incorporated as added plaintiff in the said suit.

It is further submitted that by an order dated February 3, 2015 the court below fixed February 25, 2015 for final hearing of the instant suit. But the matter has not yet been disposed of. Again on November 21, 2019 the suit was fixed for peremptory hearing but again on the basis of defendant's prayer the hearing of the suit was adjourned.

Petitioner submits that defendants have prayed several adjournments in the instant case since filing of the suit, i.e., from 1996 and for that reason the present petitioner is suffering unnecessarily and for which he has made the aforesaid prayer.

Since the prayer made by the petitioners is innocuous and if an order is passed in terms of the prayer made in the application, the opposite parties will have no cause to prejudice, so, service of copy of the revisional application as well as notice upon the opposite parties is dispensed with.

Considering the fact that the suit is pending for disposal since 1996 and that the prayer made in this petition is justified and if order is passed in terms of the prayer, neither party will have cause to prejudice, learned Civil Judge (Junior Division), 3rd Court, Serampore, Hooghly is directed to dispose of the aforesaid Title Suit No.21 of 1996 renumbered as Title Suit No.141 of 2013 as expeditiously as possible and to make every endeavour to conclude entire proceeding of the suit preferably within a period of six months from the date of communication of the order.

Accordingly, CO 664 of 2021 is disposed of.

There will be no order as to costs.

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

(Ajoy Kumar Mukherjee, J.)