

21.3.2023
32
Ct. no. 652
sb

C.O. 825 of 2021

**Smt. Sandhya Rani Samajder alias
Samajdar alias Sandhya Samajdar & Ors.
Vs.
Smt. Tumpa Samajdar**

Mr. Amitabha Ghosh ...for the petitioners

Opposite party is not represented.

This is an application with a prayer for making a direction upon the court below for expeditious disposal of Misc. Case no. 315 of 2015 (Succession) which is pending before the court of learned Civil Judge (Junior Division), 1st Court, Barrackpore, North 24 parganas, being District Delegate at Barrackpore.

The petitioners contended that the petitioners preferred aforesaid application under Section 372 of the Indian Succession Act on 16th December, 2015 before the aforesaid District delegate at Barrackpore against the opposite party seeking grant of succession certificate in the estate of late Sukumar Samajdar. On receiving the notice, the opposite party appeared on 29th March, 2017 and prayed time for filing written objection. It is submitted that said case thereafter posted on 14th July, 2017 for filing written objection and on which date, the opposite party, with mala fide intention to drag the proceedings, filed further extension of time. The

petitioners thereafter on subsequent dates, sought for adjournment and since filing of the case before the court below, five years have already expired and the opposite party neither filed her written statement nor the case has been disposed of as yet. Accordingly, he has sought for aforesaid direction.

Since the prayer made by the petitioners, is very innocuous and if it is disposed of in terms of the prayer made therein, neither party will have a cause to prejudice, the service of the application and the notice upon the opposite party is dispensed with.

Considering the facts and circumstances of the case and the age of the pending proceeding, the prayer made by the petitioners is allowed.

Learned District delegate, Barrackpore being learned Civil Judge (Junior Division), 1st Court, Barrackpore, North 24 parganas is hereby directed to make every endeavour for expeditious disposal of the aforesaid Misc. case which is pending before him and to dispose of the said proceeding preferably within a period of three months from the date of communication of the order.

Accordingly, C.O. 825 of 2021 is disposed of.

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

(Ajoy Kumar Mukherjee, J.)