

ML 14
05.06.2023
Court. No. 19
GB

C.O. 1171 of 2023

Abdul Halim Mir
Vs.
Chalema Mallick & Ors.

Mr. Animesh Paul,
Mr. H. Rajdev

...for the Petitioner.

The petitioner prays for expeditious disposal of Title Suit No.37 of 2001, which is for declaration and partition of the suit property, pending before the learned Civil Judge (Senior Division), 1st Court at Howrah.

The petitioner submits that the evidence was closed on December 5, 2022 and thereafter no progress has been made in the suit. It is submitted by the petitioner that a learned Advocate Commissioner has been appointed by the court for local investigation of the suit property, but the commissioner has neither held the local investigated nor filed any report.

The records do not reveal that the plaintiff is responsible for the delay in disposal of the suit.

This Court is of the view that an order of expeditious disposal of the suit shall be beneficial to all parties.

The revisional application is disposed of with a direction upon the learned Civil Judge (Senior Division), 1st Court at Howrah to proceed with the Title Suit No.37 of 2001 expeditiously and pass the preliminary decree within a period of six months from the date of communication of this

order, strictly in accordance with law and without granting unnecessary adjournments to any of the parties and also ensuring expeditious action by the learned Advocate Commissioner.

This court has not entered into the merits of the case pending before the learned trial judge.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)