

13.4.2023
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Ct. no. 652
sb

CO 1102 of 2021

**Pannalal Mistry & Ors.
Vs.
Sudarshan Halder & Ors.**

Mr. Subrata Saha
Mr. Abhik Biswas ...for the petitioners

This is an application under Article 227 of the Constitution of India seeking direction upon the learned court below for expeditious disposal of Title Suit no. 139 of 2014 pending before the court of learned Civil Judge, Junior Division, 3rd court, Baruipur, South 24 parganas.

The petitioners contended that the petitioners filed aforesaid suit in the year 2014. Upon receipt of summon, the defendant/opposite parties herein appeared before the court on 4th May, 2015 and opposite party nos. 1,4,5 & 6 also filed their written statement while the others chooses not to file written statement. It is submitted that several dates were fixed for framing of issue but till date, issues have not yet been framed nor the trial of the said suit has been expedited. Accordingly, the plaintiff/petitioners have prayed for aforesaid direction.

Since the prayer made by the petitioners is innocuous and if any order passed in terms of the prayer made in the application, the opposite parties will have no cause to prejudice the service of notice as well as copy of

the revisional application upon the opposite parties are dispensed with.

Considering the fact that the suit is pending since 2014 and the issues have not yet been framed and that the prayer made herein, is justified and also very innocuous, C.O. 1102 of 2021 is disposed of with a direction upon the learned Civil Judge, Junior Division, 3rd court, Baruipur, South 24 parganas to frame issue in the said suit on the basis of available pleadings within a period of six weeks from the date of communication of the order and to expedite the final hearing of the suit and to make every endeavour to conclude the hearing of the suit preferably within a period of ten months from the date of framing of issues.

Accordingly, C.O. 1102 of 2021 is disposed of.

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.)