

ML 38
06.06.2023
Court. No. 19
GB

C.O. 1315 of 2023

Raj Sekhar Dhara
Vs.
Smt. Anjali Rani Dhara & Ors.

*Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee,
Mr. Kaustav Bhattacharya,
Ms. Sinjini Chakraborty*

...for the Petitioner.

The petitioner is the plaintiff in Title Suit No.380 of 2014, which is pending before the learned Civil Judge (Senior Division), 2nd Court at Hooghly.

The plaintiff prays for expeditious disposal of an interlocutory application which has been filed by some of the defendants in the suit.

The plaintiff/petitioner submits that written objection to the said application has also been filed. It is contended that the application has been kept pending since long.

The learned advocate also draws the attention of the Court to the earlier order passed by this Court on November 22, 2019, in C.O. 2372 of 2019. The learned trial judge was requested to conclude the suit within a period of one year. It is submitted that although the written statement was filed belatedly, the learned trial judge had accepted the belated filing of the written statement on condition that cost of Rs.500/- be paid to the plaintiff.

Challenging such order, the plaintiff approached this Court. This Court was of the opinion that once the learned trial judge had accepted the written statement, the revisional

court should not interfere in exercise of the general power of superintendence. This Court, however, directed that in view of the delay already caused by the defendants in filing the written statement, the suit should be decided within a year.

Mr. Mukherjee, learned advocate for the petitioner contends that as the cost was not paid, the written statement was not accepted and the learned court directed the suit to proceed ex parte. Thereafter, an application for recalling of the order passed by the learned trial judge fixing the suit for ex parte hearing had been filed. The said application is pending adjudication since long.

In view of the background of the case and the delay already caused and specially in view of the earlier order which had been passed by this Court requesting the learned trial judge to dispose of the suit preferably within a year, this Court is of the view that an order for expeditious disposal of the pending application as also the suit would enure to the benefit of all the parties. The suit cannot be unnecessarily dragged thereby depriving the plaintiff of getting the lis adjudicated by a competent court. The order of expeditious disposal shall not cause any injustice to the defendants/opposite parties.

The revisional application is accordingly disposed of with a direction upon the learned Civil Judge (Senior Division), 2nd Court at Hooghly to dispose of the pending application within a month from the next date fixed and thereafter to dispose of the suit, in accordance with law within a period of six months.

It is made clear that the Court has neither gone into the merits of the suit nor has the Court entered into the merits of the contentions of the plaintiff.

A copy of the revisional application be served upon the defendants along with a server copy of this order. The learned court below shall proceed on the basis of the server copy of this order.

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.)