

Item No. 67
03.08.2023
Court. No. 19
GB

C.O. 1468 of 2023

Prabir Kumar Das @ Probir Kr. Das
Vs.
Pranab Kumar Das & Anr.

Ms. Srilekha Bhattacharya

...for the Petitioner.

The plaintiffs in Title Suit No.80 of 2015, which is pending before the learned Civil Judge (Junior Division), 3rd Court at Purba Bardhaman, prays for expeditious disposal of the said suit.

The suit is for declaration and permanent injunction. In the said suit, a learned advocate commissioner was appointed sometime in 2016. The commissioner's work was allegedly completed in 2018. The report has been served upon the plaintiff, but has not yet been filed before the court. Several dates have been fixed by the learned court for report by the learned commissioner, which has not yet been filed, it is alleged.

Considering the age of the suit, this Court is of the view that the prayer of the petitioner is reasonable.

This Court has not expressed any opinion on the merits of the suit. An order of expeditious disposal enures to the benefit of all the parties and hence this revisional application need not be served upon the opposite parties before its disposal. The prayer is innocuous.

Under such circumstances, this Court directs the learned Civil Judge (Junior Division), 3rd Court at Purba

Bardhaman to ensure that the learned commissioner files the report within a week from the next date fixed. The court shall, thereafter, proceed with the hearing of the suit. The suit shall be disposed of within a year from the next date fixed. This order shall be treated as mandatory.

After the report is filed by the learned commissioner as directed by this Court, the learned court below shall communicate the same by a letter addressed to the learned Registrar General, High Court at Calcutta for perusal of this Court.

The learned court below shall proceed in accordance with law and independently, without granting unnecessary adjournments to either of the parties.

Accordingly, the revisional application is disposed of.

Petitioner is directed to serve a copy of the revisional application upon the opposite parties, along with a server copy of this order.

However, there will be no order as to costs.

All the parties as also the learned court below shall act on the basis of the server copy of this order.

(Shampa Sarkar, J.)