

12.06.2023
Sl. No.29(DL)
srm

C.O. No. 1628 of 2023

Sanat Kumar Nag

Versus

Sri Sukumar Das & Ors.

Mr. S. Banguly,
Mr. A. Basu

...for the Petitioner.

The petitioner is the plaintiff in Ejectment Suit No.209 of 2015, pending before the learned Judge, 4th Bench, Small Causes Court at Calcutta. The petitioner prays for expeditious disposal of the suit.

Records reveal that after the cross-examination of PW1 was completed, the petitioner filed an application for amendment of the plaint under Order VI Rule 17 of the Code of Civil Procedure. This Court finds that the said application has been adjourned on several occasions.

Although the suit is of 2015, it appears to the Court that at the stage of cross-examination, the petitioner himself had prayed for amendment of the plaint, which is yet to be decided. Therefore, the Court is of the view that the learned court below cannot be faulted for the delay.

However, as the application is pending disposal, let the said application under Order VI Rule 17 be disposed of within a month from the next date fixed on its own merits upon affording an opportunity to all the parties to contest the same. After disposal of the application for amendment, the suit shall proceed expeditiously and all efforts shall be made to conclude the same within a year from date.

This Court has not gone into the merits of the application for amendment and also has not expressed any opinion on the merits of the suit. The learned court below shall proceed independently and on the merits of the said application and the suit.

As direction for expeditious disposal will enure to the benefit of all the parties, prior service of notice upon the opposite parties before disposal of the revisional application is not necessary.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties within course of this week.

The revisional application is disposed of.

There will be, however, no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)