

June 20, 2023  
Sl. No.181  
Court No.19  
s.biswas

CO 1790 of 2023  
*Prem Chand Roy and others*  
*vs.*  
*M/s. Samaritan Clinic (P) Ltd.*

Mr. Triptimoy Talukder  
Mr. Arun Kumar Das

... for the petitioners

The petitioners are the plaintiffs in Title Suit No.104 of 2011, which has been renumbered from Title Suit No.74 of 1997. The suit is for ejectment and recovery of possession filed under the provision of West Bengal Premises Tenancy Act, 1956. The suit is pending before the learned Civil Judge (Senior Division), 9<sup>th</sup> Court, Alipore, South 24 Parganas.

Learned advocate for the petitioners/plaintiffs submits that defendants have been frivolously filing applications which have stalled the proceedings. In the meantime, two of the plaintiffs expired.

It is submitted that an application for substitution, an application under Section 151 of the Code of Civil Procedure filed by the defendants for recalling of the earlier orders and an application for addition of party filed by the plaintiffs, are pending.

Having considered the period of pendency of the suit and having considered that even issues have not yet been framed, this court is expressing concern with regard to delay.

Under such circumstances, this court is of the view that justice would be subserved if the learned court below is directed to dispose of the pending title suit expeditiously along with the applications, and on their own merits.

This court has not gone into the merits of the suit. An order of expeditious disposal of any litigation, enures to the benefit of all the parties, hence prior service of this revisional application upon the opposite parties would not be necessary. The prayer is innocuous.

The revisional application is disposed of with a direction upon the learned court below to decide the pending applications in accordance with law on their own merits within three months from the next date fixed and thereafter proceed with the hearing of the suit and dispose of the suit within one year, without granting any unnecessary adjournments to either of the parties.

Petitioners are directed to serve a copy of this revisional application along with the server copy of this order upon the opposite party.

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**

