

03.08.2023
Court No. 19
Item No.470
CP

C.O. 2576 of 2023

Sri Arjun Kumar Mondal

Vs.

Miss Parama Mondal & ors.

Mr. Abhrajit Mitra, Sr. Advocate
Mr. Sarvapriya Mukherjee
Mr. Satadeep Bhattacharya
Mr. Awani Kr. Roy
Mr. Surajit Biswas
Mr. Arijeet Bera
Mr. A. Khan

...for the petitioner.

The petitioner who is the defendant no. 40 in Title Suit No. 89 of 1997, has filed this revisional application being aggrieved by the inordinate delay caused by the learned Civil Judge (Senior Division), 9th Court at Alipore in disposal of the suit.

According to Mr. Mitra, learned senior advocate appearing for the petitioner, the learned Trial Judge, in spite of specific directions on four earlier occasions that the suit should be disposed of expeditiously and preferably on a day to day basis, failed to comply with such direction.

It is further submitted that the examination-in-chief was held sometime in July 2022. Dates were being fixed for cross-examination of DW-1.

The prayer of the petitioner is innocuous. Neither party stands to lose if a proceeding is

disposed of expeditiously. In fact, such expeditious disposal shall enure to the benefit of the parties. Hence, there is no requirement for service of prior notice upon the opposite parties.

Under such circumstances and upon perusal of the earlier orders passed by the Coordinate Benches, this court is of the view that the trial should proceed and be concluded within two months after conclusion of the evidence of the DWs.

This court directs that the cross examination of DW-1 should be completed within August 10, 2023. Thereafter, the suit shall proceed in accordance with law and be concluded within two months from completion of the evidence. The hearing of the suit shall proceed on a day to day basis, preferably for an hour everyday so that the time period can be mandatorily complied with by the learned court below.

This court has not expressed any opinion on the merits of the suit. The learned court shall proceed independently and in accordance with law.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties and/or the learned advocates contesting the matter on behalf of the opposite parties in the learned court below, within a week.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)