

S/L 26
25.01.2023
Court No.652
SD

CO 2936 of 2022

Sukriti Dey & Anr.
Vs.
Chaturesh Arya

Mr. Debanik Banerjee
Mr. Steven S. Biswas

...for the Petitioners.

This is an application under Article 227 of the Constitution of India with direction upon the court below against the inordinate delay in disposing of the Title Suit No.284 of 2018 presently pending before the learned Civil Judge (Senior Division), 2nd Court at Barasat.

Petitioners submit that the plaintiffs/petitioners filed the aforesaid suit for eviction and recovery of khas possession and mesne profit in the year 2018. Petitioners further submit that as many as 14 adjournments have been granted by the court below and hearing of the suit is getting delayed day-by-day. Accordingly, petitioners have made a prayer that a direction be given to the court below for expeditious disposal of the suit.

Since the prayer made is innocuous and that if it is heard and disposed of in terms of prayer as above, in the absence of the opposite party, neither party will have a cause to prejudice, the process of serving copy of the revisional application and notice upon the opposite party are dispensed with.

In view of the facts and circumstances of the case and the reasonableness and justification of the prayer, CO 2936 of 2022 is hereby disposed of with a direction upon the learned Civil Judge (Senior Division), 2nd Court at Barasat to make every endeavour for expeditious hearing of the aforesaid suit and to conclude the entire proceeding of the said suit, preferably within a period of one year from the date of communication of the order.

The learned trial court is requested to conduct day-to-day trial as far as possible taking aid from Order XVII Rule 1, 2 and 3 of the Code of Civil Procedure.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Ajoy Kumar Mukherjee, J.)