

25.1.2023
27
Ct. no. 652
sb

C.O. 3072 of 2022

**Swarup Kumar Sikder
Vs.
Sayani Sikder(Mazumder)**

Mr. Prantick Ghosh
Ms. Shabana Hasin ...for the petitioner

This is an application under Article 227 of the Constitution of India seeking expeditious hearing of Act VIII case no. 57 of 2018, renumbered as Act VIII case no. 02 of 2021, pending before the court of learned Additional District Judge, 1st Court, Durgapur, Paschim Bardhaman.

The petitioner contended that the petitioner filed aforesaid application under Section 25 of the Guardian and Wards Act, 1890 before the said court on 10.10.2018 and the opposite party entered appearance in the said suit on 2.1.2019. In the said case, the petitioner has also filed an application under Section 151 of the Code, seeking interim order as regards the visitation right of the petitioner. The case is ready for hearing as regards the pleadings of the parties but due to dilatory tactics adopted by the opposite party, the case is being deferred and protracted. The petitioner is fighting against his wife/opposite party since 2018 to exercise his right of paternity. It is alleged that the

petitioner being the natural guardian, is not being allowed to meet the child and he does not know the whereabouts of the child and the opposite party is not even allegedly allowed to talk with the child over telephone. Accordingly, the petitioner has prayed for expeditious disposal of the said proceeding.

Since the prayer made by the petitioner is very innocuous and if it is heard and disposed of in terms of prayer made in the applicaiton, neither party will have a cause to prejudice, service of copy of the application and notice to the opposite party is hereby dispensed with.

Considering the reasonableness and justification of the prayer, C.O. 3072 of 2022 is disposed of with a direction upon the learned Additional District Judge, 1st Court, Durgapur, Paschim Bardhaman to make every endeavour for expeditious disposal of the aforesaid proceeding without granting any unnecessary adjournment to either of the parties and to make serious effort to conclude the entire proceeding of the said case, preferably within a period of ten months from the date of communication of the order taking aid from Order XVII Rule 1,2 and 3 of the Code of Civil Procedure.

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

(Ajoy Kumar Mukherjee, J.)