

20.02.2023
Item No.14
Ct. No.7
CHC
(disposed of)

C.O. 3337 of 2022

**Board of Trustees for the Syama Prasad Mookerjee
Port, Kolkata
Vs.
Inland Vikash Limited & anr.**

Mr. Subhankar Nag,
Mr. Snehashis Sen,
Mr. Abhishek Banerjee
...for the petitioner

Mr. Kumar Gupta,
Mr. Supratim Laha,
Mr. Binay Kumar Jain,
Mr. Piyush Jain
...for the o.p. no.1

Mr. Nag, learned advocate appearing for the petitioner proposes for expeditious disposal of Misc. Appeal No.61 of 2021, pending before the learned Chief Judge, City Civil Court, Calcutta, drawing attention of this Court to order dated 14th June, 2022, passed in C.O.1178 of 2022, wherein there has already been a direction requiring the court below to dispose of the appeal within certain period of time. But the appeal could not be disposed of as yet, Mr. Nag argues.

Mr. Kumar Gupta, learned advocate appearing for the opposite party no.1 submits that petitioner is no longer a party to the pending appeal, and as such,

there should not be any direction recorded merely on the prayer proposed by the petitioner.

There has been a detailed discussion made earlier in the order dated 14th June, 2022, in C.O.1178 of 2022, addressing the points raised by Mr. Gupta in such revisional application.

Without going into the details, when the Misc. Appeal is pending before the first lower appellate body, that appeal should be disposed of with utmost expedition. When there has already been direction passed by the court below, no further direction is called for. However, this Court reposes trust and confidence upon the first lower appellate court, that the appeal would be disposed of with utmost expedition bearing in mind the purport and message already conveyed in C.O.1178 of 2022. The points raised by parties to this case pertaining to the peripheries of the appeal, and the interest of the petitioner proposing for such direction to ensure expeditious disposal may be considered by the court below at the time of final hearing of this appeal.

With this observation/direction, the revisional application stands disposed of.

Parties are directed to make communication of this order to the court below.

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

(Subhasis Dasgupta, J.)