

S/L 20
25.01.2023
Court No.652
SD

CO 3467 of 2022

Sri Ranjit Kumar Pal & Ors.
Vs.
Smt. Sanchita Pal & Ors.

Mr. Shubham Gupta

...for the Petitioners.

This is an application under Article 227 of the Constitution of India seeking direction upon the court below for expeditious disposal of the Title Suit No.1895 of 2005, presently pending before the learned 2nd Judge, City Civil Court, Calcutta.

It is submitted on behalf of the petitioners that the opposite parties as plaintiffs filed the aforesaid Title Suit against the petitioners and the opposite party nos.3 and 4 as defendants, praying therein for declaration, permanent injunction etc. In the said suit, plaintiff/opposite party nos.1 and 2 also filed application for temporary injunction. The petitioners herein filed written objection against that injunction application and the said injunction application has been disposed of.

The evidence of the plaintiff/opposite parties have started but the case is adjourned from time to time on frivolous grounds and for which the final hearing of the case has been delayed since long. Accordingly, petitioners have prayed for a direction upon the court below for expeditious

disposal of the suit, which is pending for disposal since 2005.

Since the prayer made is innocuous and 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 reasonableness and justification of the prayer in the context of the age of the suit, CO 3467 of 2022 is hereby disposed of with a direction upon the learned 2nd Judge, City Civil Court, Calcutta 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 six months 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.)