

23.3.2023
33
Ct. no. 652
sb

C.O. 4249 of 2019

**Smt. Ganga Das
Vs.
Sri Debashish Das**

Mr. Debasish Kar
Mr. Arka Tilak Bhadra ...for the petitioner

Opposite party is not represented.

This is an application filed by the petitioner seeking expeditious hearing in respect of Title Suit no. 502 of 2014 which is pending before the court of learned Civil Judge (Senior Division), 1st Court, Barasat.

The petitioners contended that the petitioner is aged about 70 years and suffering from various ailments and she filed the aforesaid suit for partition and injunction. On the basis of petitioner's prayer for temporary injunction, the court below was pleased to pass an order of status quo in respect of the suit property, which time to time extended.

The defendant in the aforesaid suit appeared on 22nd September, 2014 and filed written statement on 16.9.2016. The petitioner herein filed two petitions, one under Order 39 Rule 7 and the other under Order 40 Rule 1 of the Code of Civil Procedure but no hearing is made till date nor the suit has been disposed of as yet. Accordingly, the petitioner has sought for a direction

upon the trial court to conclude the matter within a shortest possible time.

Since the prayer made by the petitioner, is very innocuous and if order is passed in terms of prayer made in the petition, neither party will have a cause to prejudice, the service of copy of the revisional application and the notice upon the opposite party is dispensed with.

Considering the facts and circumstances of the case and the age of the suit and that the prayer made by the petitioner is justified, C.O. 4249 of 2019 is allowed.

Learned Civil Judge (Senior Division), 1st Court, Barasat is hereby directed to make every endeavour for expeditious disposal of the pending application as well as the suit and to conclude the entire proceeding preferably within a period of ten months from the date of communication of the order.

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

(Ajoy Kumar Mukherjee, J.)