

S/L 17
23.06.2023
Court. No. 29
Sourav

CO 4331 of 2019

**Barun Paul
Vs.
Sanjoy Biswas & Ors.**

*Mr. Debdutta Basu
Mr. Sudip Sarkar*

...for the petitioner.

*Mr. Sourav Sen
Mr. Adrisnata Chakraborty*

...for the opposite parties.

1. Both the petitioner and the opposite parties are represented by their respective learned advocates.
2. On perusal of the entire materials as placed before this Court and after hearing the learned advocates for the parties, it reveals to this Court that in the instant revisional application as filed under Article 227 of the Constitution of India, the main grievance of the plaintiff/petitioner is that for some reason or other the Misc. Appeal No. 5 of 2013 as pending before the learned Additional District Judge, Fast Track Court, Kalyani, Nadia has not yet been disposed of and as a result whereof the plaintiff/petitioner before this Court is unable to proceed with the petition under Section 151 of the Code of Civil Procedure (for police help for implementing the order of injunction as passed by learned trial Court in Title Suit No. 1096/2009 as pending before the learned Civil Judge, Junior Division, Kalyani) cannot be proceeded with.
3. It reveals from the certified copy of the impugned order that by the impugned order, learned Additional District Judge, Fast Track Court, Kalyani, Nadia was not inclined

to send back the trial court record till disposal of the Misc. Appeal No. 5 of 2023.

4. Considering the entire materials as placed before this Court and after giving due consideration over the submission of the learned advocates for the contending parties, it appears to this Court that justice would be subserved, if the learned first appellate court be directed to dispose of the appeal as pending before him positively within a timeframe since in the meantime 10 years have already been passed.
5. In view of such, it is ordered that the learned Additional District Judge, Fast Track Court, Kalyani, Nadia shall dispose of Misc. Appeal No. 5 of 2013 positively within a month from the date of communication of this order and in the event he is unable to dispose of the said appeal, for any reason whatsoever, he is to send back the trial court record after keeping the photocopies of the entire trial court record with him.
6. It is, however, made clear that the time limit for disposal of the Misc. Appeal No. 5 of 2013 is mandatory failing which learned Additional District Judge, Fast Track Court, Kalyani, Nadia may face necessary consequences.
7. Accordingly, the revisional application being **CO 4331 of 2019** is disposed of.
8. All parties to act on the server copy of this order duly downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)