

13.02.2023
Item No.8
Ct. No.7
CHC
(disposed of)

C.O. 3677 of 2022

**Shakuntala Mandal @ Sakuntala Mondal
Vs.
Jogen Mondal, since deceased substituted by his
legal heirs Preetam Mandal & ors.**

Mr. Tapas Kumar Adhikari,
Mr. Abhijit Ghosh

...for the petitioner

A direction to secure expeditious disposal of Title Suit No. 240 of 2005, pending before the learned Civil Judge (Senior Division), 2nd Court, at Malda, is the ultimate relief sought for in this case.

As per submission disclosed by the learned advocate for the petitioner, that the suit is getting delayed due to adjournments being granted, though the matter has been set for peremptory hearing.

No other point is raised requiring address by this Court.

In view of the nature of order proposed to be made in this case, no prior notice is considered to be necessary.

Service upon the opposite parties stands dispensed with.

Accordingly, learned Civil Judge (Senior Division), 2nd Court, at Malda, in Title Suit No.240 of 2005, is

requested to ensure expeditious disposal of the suit, after causing disposal of interlocutory application, if there be any pending, subject to the Suitability and convenience of the court below, providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable, preferably before end of Puja Vacation of the court below for the year 2023.

As it is disclosed that subject property involved in Title Suit No.240 of 2005, and Other Case Suit No.201 of 2008, pending before the learned Civil Judge (Senior Division), 2nd Court, at Malda is same and identical and both the matters may be tried analogously, so the petitioner is at his liberty to approach to the court below upon filing an appropriate application for analogous trial of both the suits, if not already filed in the meantime, and if any such application is filed, within fortnight from the date of communication of this order, upon notice to the otherside, the same shall be disposed of in accordance with law.

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

Petitioner is directed to make communication of this order to the learned court below as well as to the

opposite parties and their learned advocate in 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.)