

25.1.2023
28
Ct. no. 652
sb

C.O. 3762 of 2022

Sri Salil Kumar Bhattacharjee
Vs.
Sri Rabin Kumar Bhattacharjee & Ors.

Mr. Partha Pratim Roy
Mr. Dyutiman Banerjee ...for the petitioner

This is an application under Article 227 of the Constitution of India seeking expeditious disposal of the application dated 2.9.2019 along with Title Suit no. 1094 of 2018 pending before the court of learned Additional Civil Judge (Junior Division) at Sealdah.

The petitioners contended that the petitioner herein as plaintiff filed aforesaid suit for declaration and permanent injunction against the opposite parties and the opposite parties appeared in the said suit on 20.12.2018. Since then, the suit has been mechanically adjourned on several dates and could not be proceeded. The petitioner further alleged that from the order passed by the court below, it will be depicted how the court below fixing the dates one after another without disposing of the suit itself which causes unnecessary harassment for the petitioner. Accordingly, the petitioner has sought for a direction upon the court below to dispose of the aforesaid suit and the application under

Section 151 of the Code, filed by the petitioner at the earliest.

Since the prayer made by the petitioner is very innocuous and if it is heard and disposed of in terms of prayer, neither party will have a cause to prejudice, service of copy of the application and notice to the opposite party is hereby dispensed with.

In view of above, C.O. 3762 of 2022 is disposed of with a direction upon the learned Additional Civil Judge (Junior Division) at Sealdah to make every endeavour for expeditious disposal of the pending application under Section 151 of the Code preferably within a period of one month from the date of communication of the order and also to make every endeavour for expeditious disposal of the suit and to conclude the entire proceeding of the said suit preferably within a period of one year from the date of communication of the order, without granting any unnecessary adjournment to either of the parties.

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

(Ajoy Kumar Mukherjee, J.)