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20.01.2023
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Ct.652

C.O. 3785 of 2022

Ms. Ralla Guha Niyogi

-vs-

Siraj Ghosh & anr.

Mr. Nirmalya Dasgupta

Mr. R. L. Mitra

Ms. Priyanka Dhar

...for the petitioner

This is an application under Article 227 of the Constitution of India seeking expeditious disposal of a suit which was instituted in the year 2003 being Title Suit No. 168 of 2003 along with all the pending applications.

It is contended on behalf of the petitioner that on March 16, 2003, the plaintiff petitioner instituted the present suit. By way of filing the said suit, the petitioner has challenged the purported transfer and sought for declaration that the petitioner is the proportionate owner of the suit Flat and also sought for declaration that the purported affidavit filed by Sankar Nath Ghose on March, 1989 and December 29, 1995 are otherwise bad in law and cannot be given effect. Other than the said relief there are other consequential reliefs, which the petitioner has prayed for in the said plaint but the matter is pending for last 20 years and the suit has not been yet dispose of and as such the petitioner has prayed for a direction upon the Court below for expeditious disposal of the suit along with the pending applications.

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

Considering the age of the suit and the nature of the prayer made on behalf of the petitioner /plaintiff, C. O. 3785 of 2022 is hereby disposed of with a direction upon learned Civil Judge (Jr. Division), 2nd Court, Alipore or the Court in charge of the said Court, to make every endeavour for the expeditious disposal of the suit and to conclude the hearing of the connected petitions along with the suit preferably within a period of ten months from the date of communication of this order, without granting any unnecessary adjournment to either of parties.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Ajoy Kumar Mukherjee, J.)