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Ct.652

C.O. 3968 of 2022

Bittu Shaw
-vs-
Sankar Shaw & ors..

Mr. Shibaji Kumar Das
Ms. Rupsa Sreemani
...for the petitioner

This is an application for expeditious disposal of the petitioner under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure praying for expeditious disposal of Title Suit No. 289 of 2022 presently pending in the Court of learned Civil Judge, (Jr. Division), 2nd Court at Barrackpore.

The petitioner alleged that from the order-sheets in connection with the said suit, it will be evident that the learned Court below is fixing date at long intervals, which if allowed to continue in such a fashion, the petitioner and the plaintiff nos. 2 and 3, proforma opposite party herein will be deprived of their legitimate claim of justice and thereby will be subjected to suffer irreparable loss and injury. Due to such delay, also the petition under Order VI Rule 17 read with Section 151 of the Code is going to be frustrated for which the petitioner and the proforma opposite parties are no way responsible.

In view of the above, the petitioner has prayed for a direction upon the Court below for making expeditious

disposal of hearing of the application under Order VI Rule 17 without granting any unnecessary adjournment.

Since the prayer made by the petitioner is innocuous and if it is heard and disposed of in terms of the prayer, the opposite party will have no cause to prejudice, the service of copy of the revisional application and the notice upon the opposite party is hereby dispensed with.

Considering the submissions made by the petitioner, C.O. 3968 of 2022 is hereby disposed of with a direction upon the Court below to dispose of the plaintiff's application under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure within a period of six weeks from the date of communication of this order and the trial Court will make every endeavour for expeditious disposal of the suit also and every attempt shall be made to dispose of the trial of the 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 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.)