

30.03.2023
Item No. 21
Court No.13.
S. De

C.O. No. 1287 of 2020

Sudam Pal & Ors.

Vs.

**Rameshwarpur Srikrishna Nimna Buniadi Vidyalaya
represented by its Chairman Shibram Roy & Anr.**

Mr. Gazi Faruque Hossain,
Ms. Priyanka Mondal,
...for the petitioners.

This application under Section 227 of the Constitution of India has been directed seeking a direction upon Civil Judge (Junior Division), 2nd Court, Hooghly (Sadar) for expeditious disposal of Title Suit No. 425 of 2015 pending before the said Court.

The petitioners contended that the plaintiff/opposite party filed aforesaid Title Suit praying inter alia a decree declaring that the plaintiff is the absolute owner of the suit property and has right, title and interest over the suit property including consequential relief for permanent injunction. The petitioners filed their counter claim contending that the plaintiff does not have any right, title or interest in the suit property. The suit is pending since 2015 and the plaintiff is dragging the said suit and trying to adopt dilatory tactics and for which the case has not yet been disposed of nor the right, title and interest of the parties in the suit property has been adjudicated

till date, even after passing considerable period of time. Accordingly petitioner has sought for aforesaid direction.

Since the prayer made by the petitioner is innocuous and if the order is passed in terms of the prayer mentioned in the application, neither party will have a cause to prejudice the service of copy of the revisional application and notice upon the opposite party is dispensed with.

Considering the nature of prayer made in the application, the age of the suit and that the prayer made by the petitioner is justified, the prayer has sought for is allowed.

Learned Civil Judge (Junior Division) 2nd Court, Hooghly (Sadar) is hereby directed to make every endeavour for expeditious disposal of the Title Suit No. 425 of 2015 which is pending for more than eight years and to conclude the entire proceeding of the suit preferably within a period of one year from the date of communication of the order.

The revisional application being C.O. 1287 of 2020 is, accordingly, disposed of.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Ajoy Kumar Mukherjee, J.)