

In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Civil Revisional Jurisdiction

CO 51 of 2023

Suman Saha
-versus-
Bakul Chandra Saha@Bakul Saha and Ors.

Mr. Joydeep Kanta Bhowmik,Adv.
Mr. Sayantan Bhowmik,Adv.
Ms. Rikta Sarkar,Adv.

....For Petitioner.

The petitioner has filed the present revisional application against the order passed by the Sub-Divisional Magistrate, Jalpaiguri dated 18th April, 2023 wherein the learned Sub Divisional Magistrate has rejected the application filed by the petitioner. This Court has gone through the impugned order dated 18th April, 2023 and it is found that simply the learned Sub Divisional Magistrate has passed an order “affidavit filed by the O.P. today is not allowed and also rejected.” After going through the said order, this Court finds that while rejecting the application filed by the petitioner, the learned Sub Divisional Magistrate has not assigned any reason and, accordingly, for the said reason only this Court has set aside the said portion of the order and directed the Sub

Divisional Magistrate, Jalpaiguri to consider the application filed by the petitioner afresh and to pass a reasoned and speaking order. It is also found from the record that by an order dated 20th December, 2021, this Court has directed the Executive Magistrate to dispose of the application within three months from the date of communication of the order. It is found from the record that till date the Executive Magistrate has not disposed of the application and, accordingly, the Sub Divisional Magistrate is directed to dispose of the proceeding as early as possible in compliance of the order dated 20th December, 2021 not beyond the period of two months from the date of receipt of the copy of the order. CO No. 51 of 2023 is thus disposed of.

(Krishna Rao, J.)