

02-05-2023
Court No.3
Sh/45.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

C.O. 81 of 2022

Rina Biswas
-Vs-
Dipak Lal Biswas & Ors..

Mrs. Smita Sinha (Mitra)
..For the Petitioner.

This is an application under Section 227 of the Constitution of India, seeking expeditious disposal of title suit no. 1 of 2021 pending in the Court of learned commercial Court at Siliguri.

Ms. Smita Sinha (Mitra), learned counsel appearing on behalf of the petitioner submits that during pendency of the aforesaid proceeding learned Commercial Court sent the matter before the mediator for settlement and requested the District Legal Service Authority to complete the process expeditiously. The petitioner submits that after passing of the said order the petitioner has not received any notice from the Legal Services Authority, Darjeeling and no report has also been filed. The petitioner submits that no effective order has been passed since 09-08-2021, but only formal orders are recorded from time to time by fixing another date for mediation report .

Accordingly, Ms. Sinha submits that the mediation process is required to be completed expeditiously and in the event the matter is not resolved through mediation a direction may be made

for expeditious disposal of the entire proceeding within a time frame.

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

Having considered the facts and circumstances of the case and that the prayer made by the petitioner is justified and if it is allowed in terms of the prayer neither party will have a cause to prejudice, the prayer made by the petitioner is allowed.

Learned Commercial Court at Siliguri is hereby directed to take appropriate steps for completion of the mediation proceeding, if it has not already been completed and in the event of failure of mediation proceeding, the Court below is directed to make every endeavour for expeditious disposal of the suit and to conclude the entire proceeding preferably within a period of 10 months from the date of communication of this order.

C.O. 81 of 2022 is accordingly, disposed of.

(Ajoy Kumar Mukherjee, J.)