

Item No.52 (M.L)
18.11.2024
Court. No. 5
S.Kundu

C.O. 769 of 2024

Dr. Abdur Razzak & Anr.
Vs.
Abdul Kashem (Golap) & Ors.

Mr. A.S. Tarafdar,
Mrs. Fatima Hassan

...for the petitioners.

1. The instant revisional application has been filed *inter alia*, praying for expeditious disposal of the Title Suit No. 23 of 2008 pending before the learned Civil Judge (Junior Division), 1st Court at Barasat, North – 24 Parganas.
2. Considering the nature of relief sought for, the aforesaid application is taken up for consideration without prior service thereof on the opposite parties.
3. The petitioners are the defendants in the suit and are contesting the same by filing written statement. The petitioners' claim to be co-sharers in respect of the suit property.
4. Ms. Hassan learned advocate appearing on behalf of the petitioners would submit that the petitioners have been diligently pursuing the suit.
5. She would further submit that the suit is pending since 2008 and as such the petitioners seek expeditious disposal thereof.

6. Having heard the petitioners and having perused the record of the case including the certified copy of the order-sheet filed in Court today, it would transpire that on 20th March, 2024 the plaintiff's witness action was completed and thereafter, 17th May, 2024 was fixed for evidence by the defendant witness. On 17th May, 2024 an adjournment was sought for on behalf of the defendant. Again on the next date i.e. on 28th August, 2024 a further prayer for adjournment had been made on behalf of the defendants. In fact, after filing of the present revisional application, no effective steps have been taken up by the defendants/petitioners save and except taking adjournment. Ordinarily therefor, the defendants are not entitled to any order for expeditious disposal. However, considering the fact that the suit has been pending since 2008, it is only expected that the above suit to be disposed of expeditiously.
7. At this stage, Ms. Hassan would submit that the affidavit of the defendant's witness is ready. Having regard thereto and taking note of the pendency of the suit for more than a decade I am of the view that the defendant's witnesses may be permitted to file affidavit in chief on the next available date before the Trial Court, however, if the defendants fail to file the evidence-in-chief on the next date before the trial Court, without just cause, the Civil Judge (Junior Division) 1st Court at Barasat, shall take up further

hearing of the suit and shall try to expeditiously dispose of the suit preferably within a period of nine months from the date of communication of this order.

8. With the above observation, the revisional application stands disposed of.

(Raja Basu Chowdhury, J.)