

19.09.2024
Item No.7 DL
Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 2252 of 2024

Chanchal Dutta & Ors.

-Vs-

Uttam Saha & Ors.

Mr. M.M. Rahaman,

Mr. L. Mandal.

.....for the petitioners.

Mr. Subrata Banerjee,

Ms. Sumana Sinha,

Mr. Debnath Mahato.

.....for the opposite party no.1.

Affidavit of service filed on behalf of the petitioner be
kept with the record.

The plaintiffs in a suit for declaration and recovery of
possession are the petitioners of the instant application under
Article 227 of the Constitution of India.

The said suit being Title Suit No. 161 of 2019 is
pending before the learned Civil Judge (Senior Division) at
Sealdah, District : 24-Parganas (South).

The petitioners are complaining delay in disposal of
the said suit and are praying for a direction for expeditious
disposal of it.

It appears from the record that the defendant no.1
though entered appearance on January 24, 2020 but, till date,
has not filed his written statement.

Filing of the written statement within the time
prescribed under Order VIII Rule 1 of the Code of Civil
Procedure is the rule; departure therefrom is an exception.

The time to file written statement by the defendant
no.1 has expired long back, therefore, the suit be fixed *ex-parte*

against the said defendant and the learned Trial Judge is requested to proceed with the disposal of the suit as expeditiously as possible in accordance with law and in doing so, shall not entertain the prayer of the parties for any unnecessary adjournment.

C.O. 2252 of 2024 is disposed of with the above terms without any order as to costs.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)