

24.01.2024
Item No.64
Ct. No. 7
KS

C.O. 3432 of 2023
Sk. Abdul Mohit & Ors.
Vs.
Sahidul Haque & Ors.

Mr. Gopal Chandra Ghosh

Mr. Sayan Sengupta

.....for the Petitioners

1. The grievance of the petitioners is that a suit for partition instituted sometimes in the year 1986 is still pending.
2. Mr. Ghosh, learned advocate for the petitioners submits that an application under Order 22 Rule 9, which has been registered as a Misc. Case No.18 of 2012 is still pending. He further submits that the hearing of the Misc. case was fixed on 22nd August, 2023. He further submits that several other applications for substitution are also pending.
3. Taking note of the fact that the suit is of the year 1986 and also that the Misc. case under Order 22 Rule 9 is also pending from the year 2012, this Court is of the considered view that the said Misc. case, other substitution applications as well as the title suit are required to be disposed of expeditiously.

4. In view thereof, C.O. 3432 of 2023 is disposed of by requesting the learned Civil Judge (Senior Division), 5th Court at Alipore to take up the hearing of the Misc. Case No.18 of 2012 on the next date fixed, if the same is otherwise ready for hearing and to dispose of the same as expeditiously as possible but, preferably within a period of eight weeks from the next date fixed.
5. The learned Judge of the Court below is also requested to dispose of the pending substitution applications as expeditiously as possible without granting any unnecessary adjournment to either of the parties. After disposal of the aforesaid Misc. case and the pending substitution applications, the learned Trial Judge is directed to dispose of the Title Suit No.84 of 1986 as expeditiously as possible without granting any unnecessary adjournments to either of the parties.
6. After taking note of the fact the suit is of the year 1986 and the Misc. case is also pending from the year 2012 and also that the Presiding Officer was under the order of transfer as would be evident from the order dated 20th July, 2023, this Court

directs the petitioner to communicate a copy of this order along with a copy of this application to the learned District Judge, 24 Parganas (South) at Alipore. The learned District Judge, 24 Parganas (South) at Alipore is requested to see that the direction contained in this order is complied with.

7. With the above observations, C.O. 3433 of 2023 stands disposed of.
8. The petitioner shall be obliged to forward a copy of this application as well as this order upon the learned advocates representing the opposite parties in the Court below forthwith.
9. There shall be no order as to costs.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Hiranmay Bhattacharyya, J.)