

08.07.2024
Ct.3.
Sl. 78.
Sg

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Civil Revisional Jurisdiction
Appellate Side**

C.O. 102 of 2024

**Sri Rupesh Agarwal @ Rupesh Kumar Agarwal
Vs.
Smt. Mamta Bhowmick**

Ms. Mrinmoyee Das,
...for the petitioner.

This is an application where the petitioner has sought for expeditious disposal of Title Suit No. 225 of 2017 pending before the Court of learned Civil Judge, Junior Division, Jalpaiguri.

It is submitted on behalf of the petitioner that almost seven years have already been passed since filing of the suit but even the issues have not yet been framed by the Trial Court and the proceeding has been protracted for no fault of the petitioner. Accordingly she has prayed for a direction upon the Court below for early disposal of the aforesaid suit.

Since the prayer made by the petitioner is innocuous and if any order is passed in terms of the prayer made on behalf of the petitioner, the opposite party will have no cause to prejudice the service of

copy of the Application upon the opposite party is dispensed with.

Having considered the facts and circumstances of the case and that even after passing seven years of filing the suit, trial has not yet been commenced and that the prayer made on behalf of the petitioner is justified and if allowed, no prejudice would be caused to the opposite party, the prayer is allowed.

Accordingly, civil revisional being C.O. 102 of 2024 is disposed of with a direction upon the Court below for expeditious disposal of the Title Suit No. 225 of 2017 pending before the learned Civil Judge , Senior Division, 1st Court, Jalpaiguri and to make his best endeavour to frame issues on the basis of pleadings filed by the parties(if not already framed) within a period of four weeks from the date of communication of this order and to make his best effort to conclude the entire proceeding preferably within a period of six months thereafter, following mandate laid down in Order XVII of the Code of Civil Procedure.

(Ajoy Kumar Mukherjee, J.)