

04.01.2024
Item No.3
gd/ssd

WPA/2407/2023
AVIJIT PAUL @ ABHIJIT PAUL
VS
STATE OF WEST BENGAL & ORS.

Mr. Nabankur Paul,
Mr. Abhishek Sarkar
..for the petitioner.

Mr. Hirak Barman,
Mr. Momenur Rahman
..for the State.

Perused the report of the Registrar,
Commercial Courts Division, High Court, Calcutta
dated 18th December, 2023.

It appears from the said report that the
Hon'ble Committee for setting up, development and
maintenance of infrastructure and matters
connected with the working of the Commercial
Courts in West Bengal and Andaman & Nicobar
Islands discussed the issue related to infrastructure
inadequacies of all the four Commercial Courts in
the State of West Bengal including the Commercial
Court at Siliguri and in its meeting held on 31st
March, 2022 adopted a resolution to the effect that
the learned District Judge within whose territorial
jurisdiction a Commercial Court is situated shall
provide staff attached to its court to do temporary
duty in the Commercial Court on need basis.

It further appears from the said report that an action taken report reflecting the development on the issue is awaited from the learned District Judge, Darjeeling.

Learned District Judge, Darjeeling is requested to submit the action taken report before the Hon'ble Committee through the learned Registrar assisting the committee at the earliest.

In so far as the allegation of the petitioner that the hearing of the Money Execution Case No.1 of 2023 as well as the petition under Section 47 read with Section 151 of Code of Civil Procedure being Misc. Judicial Case No.2/2023 is being adjourned due to lack of staff, this Court has been given to understand that on 5th December, 2023 two sets of requisites have been filed and a date was fixed on 21st December, 2023 for service return and appearance. This Court has been further given to understand that on 21st December, 2023 no one turned up for the decree-holder/petitioner herein and no hazira was also filed by the decree-holder. In view thereof, the learned Judge, Commercial Court, Siliguri was pleased to fix 2nd March, 2024 for appearance of the decree-holder. Therefore, it cannot be said that the matter is being adjourned on the ground of inadequate staff. Since the primary grievance of the petitioner is with regard to long

pendency of the Money Execution Case along with the Misc. Judicial Case, WPA 2407 of 2023 is disposed of by requesting the Learned Judge, Commercial Court, Siliguri to dispose of the Misc. Judicial Case filed in connection with Money Execution Case No.1/2023 as well as the Money Execution Case as expeditiously as possible but preferably within a period of six months from the next date fixed by the learned Judge of the Commercial court below.

With the above directions, WPA 2407 of 2023 stands disposed of.

Let a copy of this order be communicated to the learned District Judge, Darjeeling and the learned Judge, Commercial Court, Siliguri for necessary action in terms of this order.

(HIRANMAY BHATTACHARYYA, J.)