

ORDER SHEET

IA NO. GA/3/2024
WITH
CS/29/2016
In
APO/9/2024

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

CHIRANTAN HOUSING PRIVATE LIMITED
VERSUS
YOUDHISTER KUMAR DHANANIA ALIAS YUDHISTER KUMAR AGARWAL

BEFORE:

The Hon'ble JUSTICE SOUMEN SEN

AND

The Hon'ble JUSTICE BISWAROOP CHOWDHURY

Date : 27th November, 2024.

Appearance:

Mr. Tanmoy Sett, Adv.

Mr. Atish Ghosh, Adv.

Ms. Antara Dey, Adv.

...for the appellant

Mr. Paritosh Sinha, Adv.

Mr. Sukreet Mukherjee, Adv.

Mr. K.K. Pandey, Adv.

Mr. Gyan Prakash, Adv.

...for the respondent

The Court: The prayers in the Notice of Motion against the order dated 7th October, 2024 stands diluted by the order dated 25th November, 2024 (wrongly mentioned as 25th October, 2024) by which liberty was given to the present application to inspect the record in terms of the Original Side Rules for inspection of the original documents since the documents to be offered by the plaintiff for inspection are already on record as exhibits.

The applicant seeks a clarification that the timelines prescribed for completion of the various exercises contemplated by the order dated 1st August, 2024 are directory and not mandatory in nature.

We find from the order of the Hon'ble Division Bench that the word 'preferably' has been used while the timelines have been framed with regard to the procedural matters and then hearing of the suits. The suit is pending from 2016. It is the duty of the parties to assist the Court in disposing of the matter within the time as mentioned in the order. However, if for some reasons it is not possible, the Court may fix suitable timelines for the trial of the suit. The word 'preferably' cannot be an excuse for either of the parties to delay the hearing of the suit irrespective of the fact that security has been furnished by the defendant.

It will be open for the learned Single Judge to issue a timeline for trial of the suit and such direction should be peremptory in nature.

The application is disposed of.

(SOUMEN SEN, J.)

(BISWAROOP CHOWDHURY, J.)