

Item.13

28.05.2025

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Ct. 6

C.O. 136 of 2025

Arun Roy & another.

-vs-

Palash Dey and others.

Mr. Rudraksha Chattopadhyay
...for the petitioners

This revisional application has been filed for expeditious disposal of Title Suit No. 716 of 2018 pending before the learned 5th Civil Judge (Senior Division), Alipore.

It is submitted that the suit was filed in the year 2018 for declaration and permanent injunction against the present opposite parties. In course of the pendency of this suit, the opposite party no.1 preferred FMAT 465 of 2019 before this Hon'ble Court challenging the order of status quo passed on 22.04.2019 and while disposing of the same, the Hon'ble Court observed and give a direction by its order dated 17.07.2019 to dispose of suit preferably within a period of six months from the date of passing of this aforesaid order. Despite having a specific direction, the matter has not been proceeded much and the matter is not be taken up for hearing and still pending. In support of his contention, the copies of the certified copy of the various order-sheets have been annexed with the petition which prima facie transpires that one misc. case was also filed in

the year 2018. It further transpires that an application under Order 22 Rule 4 was also filed which was fixed for hearing in the month of December, 2024. No document is annexed as to whether such application has been disposed of or not.

Learned advocate for the petitioner was also not in a position to submit that whether the suit was accordingly fixed for peremptory hearing or not. Be that as it may, there is an order of the Hon'ble Court where a direction was given to the learned trial Court to make effort to dispose of the suit as expeditiously as possible preferably within a period of six months from the date of communication of this order.

In view of the above, further direction is given to the learned trial Court to consider the long pendency of the matter and to take all necessary steps and to make an endeavour to dispose the entire suit as expeditiously as possible, preferably within a period of six months from the date of passing of this order without granting any unnecessary adjournments to either of the parties.

Accordingly, the revisional application is disposed of.

It is made clear that since the order is passed without serving notice upon the opposite party, the merits of the case has not been gone into.

(Chaitali Chatterjee (Das), J.)