

D/L- 1
25/02/2025
Ct. No.-6
Aritra

C.O. 180 of 2025

**Kamal Ahmed & Ors.
Versus
Probodh Ranjan Das & Ors.**

Mr. Bikash Kr. Singh
Mr. Sunil Gupta
...for the petitioners

Mr. Oishik Chatterjee
....for the opposite party No.1

By an order dated February 21, 2025 the learned Registrar Judicial, High Court at Calcutta was requested to call for a report from the learned Civil Judge (Jr. Div.), 1st Court, Sealdah on the issues that were framed in the said order. Pursuant to the said order the learned Civil Judge (Jr. Div.), 1st Court, Sealdah, District-South 24 Parganas submitted a reply.

After going through the said reply this Court finds that the applications under Order 39 Rule 1 and 2 and Order 40 Rule 1 of the Code of Civil Procedure was filed on September 28, 2022. The report further states that no date of hearing of such applications have been fixed by the learned Judge.

When the applications were filed on September 28, 2022, this Court is really surprised as to why no date has been fixed for hearing of such applications till date.

The learned advocate appearing for the opposite parties submits that the copies of such applications have not been served upon them. Such submission is however disputed by the learned advocate appearing for the petitioner. In order to avoid any further complications, this Court directs the learned advocate on record for the petitioner to serve copies of such applications upon the learned advocate appearing for the opposite parties in course of this day.

This Court directs the learned Civil Judge (Jr. Div.), 1st Court, Sealdah, District-South 24 Parganas to fix a date for hearing of such applications as early as possible, preferably within a period of two (2) weeks from the date of communication of this order.

The learned Civil Judge (Jr. Div.), 1st Court, Sealdah, District-South 24 Parganas is further requested to give an opportunity to the opposite parties to file written objections and dispose of the same expeditiously by passing a reasoned order after giving an opportunity of hearing to the respective parties without granting any unnecessary adjournments to either of the parties.

Registry is directed to communicate this order to the learned Civil Judge (Jr. Div.), 1st Court, Sealdah, District-South 24 Parganas forthwith.

With the above observations CO 180 of 2025 stands disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)