

Court No. 6
(265719)

06.03.2025
(A 64)
(S. Banerjee)

CO 460 of 2025

Anand Jaiswal
Vs.
Amit Das

Mr. Tarak Nath Halder

...for the petitioner

This application is at the instance of the defendant praying for a direction upon the learned Civil Judge (Jr. Division) Second Court at Sealdah to dispose of an application under Section 144 of the Code of Civil Procedure, filed in connection with Ejectment Suit No. 63 of 2017, expeditiously.

It is not in dispute that the ex parte decree was set aside and the ejectment suit has been restored to the file of the learned trial Judge. However, the petitioner was dispossessed in execution of the ex parte decree. However, since the ex parte decree has been set aside, this Court is of the considered view that the application under Section 144 of the CPC is required to be heard and decided expeditiously.

In view of the order sought and proposed to be passed, this Court feels that there is no necessity to direct issuance of any notice upon the opposite parties. However, the learned advocate on record of

the petitioners shall be obliged to forward a copy of the application along with a copy of this order, upon the opposite party or upon the learned advocates representing them in the trial court.

Mr. Halder, learned advocate for the petitioner submits that April 1, 2025 has been fixed for filing of the written statement and for hearing of all the objections.

In the light of the submission made on behalf of the learned advocate for the petitioner, CO 460 of 2025 is disposed of by requesting the learned Civil Judge (Jr. Division), Second Court at Sealdah to take up the hearing of the application under Section 144 of the Code of Civil Procedure on the next date fixed, i.e., on April 1, 2025, if the same is otherwise ready for hearing, and to dispose of the same as expeditiously as possible, preferably on or before June, 2025, without granting any unnecessary adjournment to either of the parties.

(Hiranmay Bhattacharyya, J.)