

D/L- 13
17/02/2025
Ct. No.-6
Aritra

C.O. 513 of 2025

**Nishit Kumar Das
Versus
Sahadeb Naskar & Ors.**

Mr. Souri Ghosal
Mr. Subhojit Mukherjee
...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the respondents in Title Appeal No.57 of 2020 praying for a direction upon the learned Additional District Judge, Fast Track 1st Court at Howrah to dispose of the said title appeal expeditiously.

Record reveals that an application under Order 6 Rule 17 of the Code of Civil Procedure filed by the appellants in the title appeal was heard and a date was fixed for passing necessary orders.

The learned advocate for the petitioner submits that no order was passed in the application under Order 6 Rule 17 of the Code as the learned Presiding Officer who heard the application has in the meantime been transferred and a new Presiding Officer has joined.

In view thereof the application under Order 6 Rule 17 of the Code of Civil Procedure is required to

be disposed of first, prior to taking up the appeal for final hearing.

In view of the order sought and proposed to be passed there is no necessity for serving notice upon the opposite parties. However, the petitioner shall be obliged to forward a copy of this application along with this order upon the opposite parties by speed post with acknowledgement due or upon the learned advocate appearing for the appellants before the learned First Appellate Court.

The learned Additional District Judge, Fast Track 1st Court at Howrah is requested to take up the hearing of the application under Order 6 Rule 17 of the Code on the next date fixed i.e., on March 17, 2025 and to dispose of the same as expeditiously as possible without granting unnecessary adjournments to either of the parties. After disposal of the said application the learned First Appellate Court is requested to make an endeavor to dispose of the title appeal expeditiously.

Accordingly CO 513 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.)