

Sl.17
02.07.2025
Court No.6
BP

C.O. 1020 of 2025

Md. Mujibar Rahaman & Ors.
-versus-
Sahari Bewa & Ors.

Mr. Gour Baran Sau
..for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the applicant under Order 1 Rule 10(2) of the Code of Civil Procedure praying for a direction upon the learned Civil Judge (Junior Division), 2nd Court at Malda to dispose of the application under Order 1 Rule 10(2) of the Code of Civil Procedure expeditiously.

In view of the order sought and proposed to be passed, there is no necessity to issue notice upon the opposite parties. However, the learned advocate appearing for the petitioners shall be obliged to forward a copy of this application along with this order upon the opposite parties or upon the learned advocates representing them before the learned trial judge.

From the ordersheets appended to this application this Court finds that the original records were not traced out for which repeated adjournments were granted.

This Court by an order dated 27th March, 2025 directed the learned Civil Judge (Junior Division), 2nd Court at Malda to take necessary steps for tracing out the original records.

Pursuant to the said order a report has been filed by the learned District Judge, Malda wherefrom it appears that the learned District Judge has personally taken the initiative of monitoring the process of tracing out the record by making frequent visits to the District Record Room and overseeing the process of progress of retrieval of such record for the relevant period and the learned District Judge has sought for month's time for retrieval of such record.

In the light of report submitted by the learned District Judge, Malda, C.O. 1020 of 2025 stands disposed of by requesting the learned Civil Judge (Junior Division), 2nd Court at Malda to take necessary steps for tracing out the records of the Partition Suit No. 121 of 1956 and in the event the same cannot be traced out to take steps for reconstruction of the records.

The learned Civil Judge (Junior Division), 2nd Court at Malda is requested to dispose of the pending application as expeditiously as possible either after tracing out the original records or reconstruction of the same as the case may be.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)