

Sl. 18
02.07.2025
Court No.6
BP

C.O. 1205 of 2025

Smt. Hasi Saha & Ors.
-versus-
Pritam Das Gupta & Anr.

Mr. Sandip Ghose
Mr. Debayan Ghose
..for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the respondents in Title Appeal 131 of 2017 praying for a direction upon the learned Judge, IXth Bench, City Civil Court at Calcutta to dispose of the title appeal 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 petitioner 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 judge of the 1st appellate court.

From the order dated 7th March, 2025 it appears that the trial court records were sent back to the learned trial judge as the record was not complete. This Court by an order dated 9th June, 2025 called for a report from the learned Judge, 4th Bench, Presidency Small Causes Court at Calcutta as to whether defects in the trial court records have been removed and the directions contained in the

order dated 7th March, 2025 in Title Appeal No. 131 of 2017 have been complied with or not.

It appears from the report dated 20th June, 2025 that some of the orders were passed by the City Civil Court long ago and those order are extremely in torn condition and it is also not possible to tag those orders because no other parts of the record in connection with Ejectment Suit No. 552 of 2000 are lying before the learned Judge, 4th Bench, Presidency Small Causes Court at Calcutta.

It further appears that the trial court records were sent to the learned appellate court vide Memo. No. RD/44/25 dated 5th May, 2025.

In view thereof, C.O. 1205 of 2025 stands disposed of by requesting the learned Judge, IXth Bench, City Civil Court at Calcutta to proceed with the hearing of the Title Appeal No. 131 of 2017 on the basis of the materials that are available with the trial court records.

The learned Judge of the 1st Appellate Court is requested to make an endeavour to dispose of the title appeal as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

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.)