

Court No. 6
(265719)

17.02.2025
(AD 29)
(S. Banerjee)

CO 1041 of 2024

Mintu Das
Vs.
Tarun Kumar Gupta & Ors.

Mr. Ayan Banerjee
Ms. Debasree Dhamali
Ms. Riya Ghosh

...for the petitioner

1. Affidavit of service filed in Court today is taken on record.
2. In spite of service none appears for the opposite parties.
3. This application under Article 227 of the Constitution of India is at the instance of the appellant in Title Appeal No. 13 of 2013 praying for a direction upon the learned Civil Judge (Sr. Division), Chandannagore, Hooghly to dispose of the title appeal expeditiously.
4. From the order-sheets appended to this application under Article 227 of the Constitution of India it appears that some documents were not traceable and on such ground the hearing of the appeal was adjourned from time to time.

5. Mr. Banerjee, learned advocate appearing for the petitioner files a certified copy of the orders dated January 28, 2025, February 7, 2025 and February 10, 2025. Those order-sheets are taken on record.
6. It appears from the order dated February 10, 2025 that the learned Civil Judge (Sr. Division), Chandannagore, Hooghly has received a communication from the learned District Judge, Hooghly in respect of the prayer for taking up the hearing of the appeal on the basis of materials gathered from the record and it has been informed that the hearing of the appeal can be taken up and proceeded since both the parties have desired for the same.
7. In view of the fact that the parties to the title appeal have desired that the hearing of the appeal can be taken up and proceeded on the basis of the materials that are available in the records of the trial Court, this Court is of the considered view that a direction may be passed to such effect upon the learned First Appellate Court.
8. In view thereof, CO 1041 of 2024 is disposed of by requesting the learned Civil Judge (Sr. Division), Chandannagore, Hooghly to take up

the hearing of the appeal on the next date fixed, i.e., on February 21, 2025 and to dispose of the same as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

9. It appears from the order dated November 12, 2024 that a report was called for from the learned District Judge, Hooghly.

10. In view of the fact that the parties have agreed to proceed with the hearing of the appeal on the basis of the available record, it is recorded that there is no necessity of calling for records any further.

(Hiranmay Bhattacharyya, J.)