

28-04-2025
Item no.19
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction

CO No.1402 of 2025
Sri Tapan @ Haridas Naskar & Ors.
-vs-
Sri Bharat Kumar Naskar & Ors.

Mr. Chandra Nath Sarkar
Mr. Sounak Mondal ...for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the defendants in a suit for partition praying for a direction upon the learned Civil Judge (Junior Division), 1st Court at Baruipur, South 24 Parganas to dispose of Title Suit No.71 of 2011 expeditiously.

In view of the order sought and proposed to be passed, there is no necessity to direct issuance of any notice upon the opposite party. However, learned counsel for the petitioners shall be obliged to forward a copy of the Article 227 application along with this order upon the opposite parties or upon the learned counsel representing the opposite parties before the learned trial judge.

From the order sheet appended, this court finds that September 6, 2024 was fixed for filing show cause by the plaintiffs as to why the suit should not be dismissed for default.

Mr Sarkar, learned counsel representing the petitioners assisted by Mr Mondal, submits that the plaintiffs have already filed a show cause and the decision on the show cause is yet to be taken by the learned trial judge.

Mr Sarkar further submits that July 25, 2025 has been fixed for hearing on the point of show cause. He further submits that the suit is at the stage of peremptory hearing.

Mr Sarkar also submits that an application for amendment of plaint is pending consideration before the learned trial judge.

In the light of the submission made by learned counsel for the petitioners, CO No.1402 of 2025 stands disposed of by requesting the learned trial judge to take up the hearing of the reply to the show cause filed by the plaintiffs on the next date fixed for hearing (i.e. on 25, 2025) and dispose of the same as expeditiously as possible without granting unnecessary adjournment to either of the parties.

The learned trial judge is also requested to take up hearing of the application for amendment of plaint after taking a decision on the reply to show cause filed by the plaintiffs and make an endeavour to dispose of the application as expeditiously as possible without granting unnecessary adjournment to either of the parties.

Considering the facts that the suit is for partition and has been pending since 2011, learned trial judge is further requested to make an endeavour to see that the suit is disposed of expeditiously.

Certified copy of this order, if applied for, shall be made available to the parties.

[Hiranmay Bhattacharyya, J]

