

C.O. 1536 of 2025

Samir Ghosh  
Vs.  
Kanan Bala Ghosh & Ors.

Mr. Anirban Roy  
Mr. Ahok Kr. Roy  
Mr. Debjit Basu .... For the petitioner

1. The Affidavit of Service filed by the learned counsel for the Petitioner is hereby taken on record.
2. Notwithstanding the due and proper affirmation of service, the Opposite Parties remain unrepresented.
3. This Revisional Application, preferred under the supervisory jurisdiction vested in this Court by Article 227 of the Constitution, challenges the inordinate delay plaguing Title Suit No. 222 of 2020 (a partition suit) before the Learned Civil Judge, Senior Division, 1st Court at Barasat. The Petitioner specifically assails the procedural stagnation exemplified by Order No. 13 dated March 13, 2025, whereby the suit, instituted in 2020, was merely adjourned for the purpose of framing of issues.
4. The prayer is decidedly innocuous, seeking not to interfere with the merits of the case, but solely to secure the expeditious disposal of a civil suit that has remained pending for half a decade without the initiation of trial. This objective falls squarely within this Court's duty of superintendence.

5. Learned Counsel for the Petitioner has updated the Court on the current status, confirming that the regular Presiding Officer has joined, issues have now been framed, and the matter is fixed for a peremptory hearing on November 20, 2025. Given the appearances and the nature of the prayer, the matter is taken up for final judgment.
6. The facts demonstrate a clear and unwarranted procedural lapse. The suit, fully constituted with the completion of pleadings by 2024, remained arrested at the foundational stage of issue-framing for an excessive period. This Court considers such persistent procedural inertia and the mechanical grant of adjournments to constitute a gross failure by the subordinate court to discharge its judicial function with efficiency.
7. This Court holds the Petitioner's grievance to be well-founded. The protracted non-performance of the mandatory judicial duty—the framing of issues—for over five years directly impinges upon the fundamental right to a speedy trial, recognized as an integral component of Article 21 of the Constitution. Such institutional delay cannot be countenanced.
8. While we acknowledge that issues have recently been framed and the court vacancy filled, the unacceptable delay that necessitated this intervention demands a definitive, mandatory direction for expedition. Our jurisdiction under Article 227 is properly invoked here, not

to review judicial discretion, but to rectify a patent and prolonged failure to perform a judicial function.

9. Accordingly, the Revisional Application is Allowed.
10. The Learned Civil Judge, Senior Division, 1st Court, at Barasat, is hereby directed to take all necessary steps to ensure that the trial of Title Suit No. 222 of 2020 is concluded within a period of one year from the date of communication of this Order.
11. The Learned Trial Judge shall not grant any unnecessary adjournment to either party.
12. The Learned Trial Judge shall endeavor to conduct the proceedings on a day-to-day basis once the recording of evidence commences, ensuring strict adherence to the one-year deadline herein imposed.
13. This Order is to be communicated to the Learned Trial Court immediately for strict compliance.
14. There shall be no order as to costs.
15. Urgent certified copy of this order, if any, shall be furnished to the party, in strict adherence to the relevant rule and law.

**(Uday Kumar, J.)**