

D/L- 22
02/05/2025
Ct. No.-6
Aritra

C.O. 1545 of 2025

Smt. Beauty Mukherjee & Ors.

Vs.

**Nirode Behari Mukherjee (since deceased substituted
by the heirs) Partha Pratim Mukherjee & Ors.**

Mr. Sukanta Chakraborty

Mr. Abhishek Banerjee

....for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff praying for a direction upon the learned Civil Judge (Sr. Div.), 6th Court at Alipore to dispose of Title Suit No.32 of 2016 which has been renumbered as Title Suit No.2127 of 2016 expeditiously.

Mr. Chakraborty, learned advocate assisted by Mr. Banerjee submits that the petitioner filed an application on August 4, 2023 for proceeding with the suit ex parte against the defendant No.1(a) and 1(c). He further submits that the petitioner filed an application for appointment of the receiver on January 17, 2024, but the same is pending till date. He submits that the hearing of the aforesaid applications have been fixed on June 6, 2025. He further submits that the aforesaid applications are otherwise ready for hearing.

In view of the order sought and proposed to be passed there is no necessity to direct issuance of any notice upon the opposite parties. However, the learned

advocate for the petitioner shall be obliged to forward a copy of this application along with this order upon the opposite parties or the learned advocates representing the contesting opposite parties before the learned trial judge.

In the light of the aforesaid submission made by the learned advocate appearing for the petitioner CO 1545 of 2025 is disposed of by requesting the learned Civil Judge (Sr. Div.), 6th Court at Alipore to take up the hearing of the application under Order 40, Rule 1 of the Code of Civil Procedure and the petition dated August 4, 2023 on the next fixed i.e. on June 6, 2025, if the same are otherwise ready for hearing and to make an endeavor to dispose of the aforesaid applications as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

Considering the fact that the suit is for partition pending from the year 2016, the learned trial judge is requested to dispose of the same as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)