

M/L - 186  
20.01.2025  
Court. No. 5  
S.Kundu

**C.O. 1701 of 2024**

**Gokulananda Das & Anr.**

**Vs.**

**Guruprasad Shaw & Anr.**

Mr. Partha Pratim Roy,  
Mr. Hemanta Kumar Das

...for the petitioners.

1. The present revisional application has been filed *inter alia*, praying for expeditious disposal of the Ejectment Suit No. 169 of 2016 pending before the learned 4<sup>th</sup> Bench, Presidency Small Causes Court at Calcutta.
2. Considering the nature of relief sought for, the instant revisional application is taken up for consideration without prior service of notice on the opposite parties. Mr. Roy, learned advocate representing the petitioners would submit that the instant suit has been filed under the provisions of Section 6(4) of the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as the said Act).
3. By placing before this Court the Order No. 34 dated 10<sup>th</sup> May, 2022, he would submit that by reasons of the defendant not to comply with the provisions of Section 7(1) of the said Act the defence against the delivery of possession of the defendants has been struck off. Although the examination in chief of the plaintiffs first

witness has been concluded and the cross-examination had commenced on 2<sup>nd</sup> April, 2024 the suit has not progressed further. From the order-sheet and order No. 49 dated 8<sup>th</sup> January, 2025 disclosed in Court today, it would reveal that 6<sup>th</sup> June, 2024 was fixed for further cross-examination of the plaintiff's witness. Unfortunately, on that date the plaintiff no. 1 had died. Consequent thereupon on 19<sup>th</sup> August, 2024 an application under Order 22 Rule 3 of the Code of Civil Procedure 1908, was filed. The said application was disposed of without contest by order dated 8<sup>th</sup> January, 2025 and the plaintiffs had been directed to take steps by filing amended copy of the plaint.

4. At this stage, Mr. Roy would submit that in terms of the order dated 8<sup>th</sup> January, 2025 the amended plaint would be filed on the next date fixed i.e. on 24<sup>th</sup> February, 2025. Having regard to the fact that the amended plaint is yet to be filed though thirty days period has not yet expired, I am of the view that at this stage plaintiff is not entitled to any order for expeditious disposal.
5. In view thereof, the revisional application stands disposed of. It is only expected that the learned Judge shall make an endeavour to dispose of the suit as expeditiously as possible.
6. The petitioners are directed to serve a copy of the revisional application along with a copy of this order on

the opposite parties as also the learned advocate representing the opposite parties before the learned Trial Court.

7. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

**(Raja Basu Chowdhury, J.)**