

Court No. 6
(265719)

01.09.2025
(A 1436)
(S. Banerjee)

CO 1729 of 2024

Praloy Ranjan Bhowmick
Vs.
Rajeev Mahato
CAN 1 of 2025

Mr. Surajit Mahisal
Mr. S. Mitra
Mr. Ayan Mitra
Mr. Aniruddha Singha Roy

... for the petitioner

Re: CAN 1 of 2025

This is an application for recalling the order dated January 27, 2025 passed in CO 1729 of 2024.

After hearing the learned advocate appearing for the petitioner and upon considering the averments made in the said application, this court is of the view that the petitioner was prevented by sufficient cause for not appearing in the matter when the civil revision application stood dismissed for default on January 27, 2025.

Accordingly, CAN 1 of 2025 stands allowed.

The order dated January 27, 2025 stands recalled. The civil revision application is restored to its original file and number.

Re: CO 1729 of 2024

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. Division), 5th Court at Alipore to dispose of Title Suit No. 178 of 2013 expeditiously.

Learned advocate appearing for the petitioner submits that the petitioner filed an application under Order 6 Rule 17 of the Civil Procedure Code praying for amendment of plaint. He further submits that the said application was heard in-part and the argument of the petitioner on the amendment application has been concluded and September 4, 2025 has been fixed for hearing argument of the opposite party in the amendment application.

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, the learned advocate-on-record of the petitioner shall be obliged to forward a copy of this application along with this order, upon the opposite party or upon the learned advocate representing the opposite party before the learned trial judge.

In the light of the submission made by the learned advocate appearing for the petitioner, CO

1729 of 2024 stands disposed of by requesting the learned Civil Judge (Sr. Division), 5th Court at Alipore to take up the hearing of the application under Order 6 Rule 17 of the Civil Procedure Code on the next date fixed, i.e., on September 4, 2025 and to make an endeavour to dispose of the same expeditiously. After disposing of the application for amendment, the learned trial judge is requested to make an endeavour to dispose of the Title Suit No. 178 of 2013 as expeditiously as possible without granting any unnecessary adjournment to either of the parties keeping in mind that the suit for eviction is pending from the year 2013.

(Hiranmay Bhattacharyya, J.)