

M/L- 151
18/03/2025
Ct. No.-6
Aritra

C.O. 1829 of 2024

Birendra Nath Banshi
Vs.
Mahatirtham Religious Society & Ors.

Mr. Kaustav Bhattacharya
...for the petitioner

Mr. Mrinal Kanti Mukherjee
Mr. Dipanjan Biswas
....for the opposite party

This application is at the instance of the plaintiff and is directed against an order dated April 4, 2024 passed by the learned Civil Judge (Sr. Div.), 4th Court, Alipore in Title Suit No.1221 of 2021.

By the order impugned the application filed by the defendant Nos.2 and 3 praying for setting aside the order fixing the suit for *ex parte* hearing was allowed.

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the defendant Nos.2 and 3 failed to give proper explanation as to why they did not take any steps in the suit and for such reason the order impugned is liable to be set aside.

Heard the learned advocate for the opposite party Nos.2 and 3 on such submission.

After going through the application filed by the defendant Nos.2 and 3 this Court finds that the defendant Nos.2 and 3 has made out sufficient ground for setting aside the order fixing the suit for *ex parte* hearing.

The learned Trial Judge upon being satisfied with the grounds taken in the said application allowed the prayer of the defendant Nos.2 and 3 and the order fixing the suit for *ex parte* hearing was vacated.

A decision on a contested hearing will serve the interest of justice and for such reason this Court is not inclined to interfere with the exercise of discretion by the learned Trial Judge.

At this stage the learned advocate appearing for the petitioner submits that a direction be passed upon the learned Trial Judge to dispose of the suit expeditiously.

Since the suit is of the year 2021, this Court is of the considered view that the same should be disposed of expeditiously.

In view thereof, CO 1829 of 2024 is disposed of by requesting the learned Civil Judge (Sr. Div.), 4th Court, Alipore to dispose of the Title Suit No.1221 of 2021 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.)