

25. 19.06.2025
Court No.6
(Tanmoy)

CO/2100/2025

**SHREE PRAKASH JAISWAL
VS
JAY PRAKASH JAISWAL AND ORS.**

Mr. Prakash Jaiswal

... petitioner (in-person).

1. This application under Article 227 of the Constitution of India is at the instance of the plaintiff in a partition suit which is registered as Title Suit No.91 of 2004, praying for a direction upon the learned Civil Judge (Senior Division), 2nd Court at Howrah to dispose of the said suit expeditiously.

2. The petitioner appearing in-person submits that the suit is pending since 2004 and the opposite parties are delaying the hearing of the title suit. He further submits that he has made a prayer before the learned Trial Judge for sending the case to the High Court Mediation Centre.

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

4. However, the petitioner shall be obliged to forward a copy of this application along with this order upon the opposite parties or upon the learned

Advocate representing the opposite parties before the learned Trial Judge.

5. From the order-sheets appended to this application this Court finds that June 17, 2025 was fixed for appearance of all parties for the purpose of ascertaining the mediation and for filing of Written Statement by the defendant nos. 4 and 5 as a last chance.

6. The petitioner appearing in-person submits that the matter was not taken up on June 17, 2025 as the Presiding Officer was not available.

7. In the light of the submissions made by the petitioner appearing in-person CO/2100/2025 stands disposed of by requesting the learned Civil Judge (Senior Division), 2nd Court at Howrah, to consider the prayer for sending the case to mediation as observed in the order dated May 17, 2025, passed in Title Suit No. 91 of 2004.

8. It is also made clear that in the event the written statement is not filed by the defendant nos. 4 and 5, in terms of the order dated May 17, 2025, the learned Trial Judge shall pass necessary orders in that regard as the learned Judge may deem fit and proper.

(HIRANMAY BHATTACHARYYA, J.)