

D/L- 27
26/06/2025
Ct. No.-6
Aritra

C.O. 2195 of 2025

**Shri Ajay Kumar Gupta
Vs.
Radheshyam Shaw**

Mr. Manas Malakar

...for the petitioner

The petitioner has challenged the order dated December 12, 2024 passed by the learned Judge, 5th Bench, Presidency Small Causes Court at Calcutta in Miscellaneous Appeal No.169 of 2023 arising out of Ejectment Execution Case No.176 of 2015.

After going through the impugned order, this Court finds that December 17, 2024 was fixed for hearing on the point of challenge as to the maintainability of the miscellaneous case.

The learned advocate appearing for the petitioner submits that no decision with regard to challenge as to the maintainability of the said case has yet been taken.

This Court is of the considered view that the interest of justice would be sub-served if the learned Judge, 5th Bench, Presidency Small Causes Court at Calcutta is directed to decide the issue of maintainability as expeditiously as possible.

In view thereof, CO 2195 of 2025 stands disposed of by requesting the learned Judge, 5th Bench, Presidency Small Causes Court at Calcutta to decide the

issue of maintainability of the miscellaneous case as expeditiously as possible without granting any unnecessary adjournments to either of the parties and preferably within a period of four (4) weeks from the next date fixed.

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.)