

M/L- 886
21/07/2025
Ct. No.-6
Aritra

C.O. 2741 of 2024

**Sri Utpal Das
Vs.
Sri Radhashyam Das**

Mr. Ayan Banerjee
Ms. Debjani Sengupta
Ms. Paulami Ghosh

...for the petitioner

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. Div.), 2nd Court, Barasat to dispose of Title Suit No.110 of 2010 expeditiously.

Mr. Banerjee, learned advocate appearing for the petitioner submits that an application under Order 1 Rule 10(2) of the Code of Civil Procedure stood rejected on February 6, 2013 but by the order dated July 8, 2024 such application has again been fixed for hearing. He further submits that the application under 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1997 along with an application under Section 5 of the Limitation Act, praying for condonation of delay in filing the aforesaid applications is pending for a long time. Mr. Banerjee further submits that the learned trial judge is under an order of transfer and, therefore, the suit may be transferred to any other Court.

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 for the petitioner shall be obliged to forward a copy of this application along with this order upon the opposite party or the learned advocates representing the opposite party before the learned trial judge.

From the order dated February 6, 2013 it appears to this Court that the application under Order 1 Rule 10(2) of the Code of Civil Procedure has been rejected.

In view thereof, it will be open to the petitioner to draw the attention of the learned trial judge to the fact that the application under Order 1 Rule 10(2) of the Code of Civil Procedure has been rejected and the same cannot be said to be pending.

In the light of the submission made by the learned advocate for the petitioner, CO 2741 of 2024 stands disposed of by giving liberty to the petitioner to approach the learned District Judge, North 24-Parganast at Barasat if the petitioner is desirous of getting the suit transferred to any other Court. If such an approach is made the learned District Judge shall consider the same in accordance with law.

Considering the fact that the application under Section 7(1) and 7(2) of the 1997 Act along with Section 5 of the Limitation Act is pending from the year 2012, this Court requests the learned trial judge or the transfree

Court as the case may be to make an endeavour to see that the same are disposed 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.)