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26.08.2025
Ct. No.-6
D.Hira

C.O. 3061 of 2025

**Shantanu Sekhar Pradhan
Vs.
Biswajit Bhunia & Anr.**

Mr. Soumyajit Mukherjee.

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff in Title Suit No. 443 of 2023, praying for a direction upon the learned District Judge, Purba Medinipur at Tamluk to dispose of the Judicial Miscellaneous Case No. 17 of 2025 expeditiously.

Mr. Soumyajit Mukherjee, learned advocate appearing for the petitioner submits that the title suit has been filed by the petitioner for eviction of the proforma opposite party no. 2 herein.

He further submits that the said suit is at the stage of evidence. At that stage, the opposite party no.1 who is the husband of the proforma opposite party no. 2 filed an application under Section 24 of the Code of Civil Procedure before the learned District Judge, Purba Medinipur at Tamluk, which was registered as Judicial Miscellaneous Case No. 17 of 2025.

He further submits that the said judicial miscellaneous case is being adjourned from time to time on the ground that summons of the judicial

miscellaneous case has not been served upon the proforma opposite party no. 2 herein.

He submits that the petitioner in the judicial miscellaneous case and the opposite party no. 2 herein are related to each other as husband and wife.

He further submits that the petitioner in the judicial miscellaneous case is avoiding to serve notice upon the proforma opposite party no. 2, in order to delay the hearing of the title suit filed by the petitioner.

It appears from the record that the judicial miscellaneous case is not ready for hearing as the summons has not been served. No order for expeditious hearing can be passed at this stage.

The petitioner will be at liberty to take appropriate steps in the Judicial Miscellaneous Case No. 17 of 2025.

With the aforesaid observations and directions, CO No. 3061 of 2025 is disposed of.

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.)