

22.05.2025
Item No.8
Ct. No.446
PG/KS

C.O. 2895 of 2024

**Sri Tapan Kumar Karan
Versus
Sri Uttam Kumar Karan & Ors.**

Mr. Sounak Bhattacharya
Mr. Sounak Mondal
Mr. Abhirup Halder
.....For the Petitioner

1. This matter has come before this Court by virtue of the order of the Hon'ble Chief Justice dated 15th May, 2025.
2. This revisional application has been filed for expeditious disposal of hearing of the Title Suit No.215 of 2008 pending since 2008 before the learned Civil Judge, Junior Division, Haldia, District - Purba Medinipur.
3. It is submitted by the learned advocate for the petitioner that despite direction passed by this Hon'ble Court on two occasions i.e. 13th August, 2015 and 18th November, 2022 for expeditious disposal of the suit, the matter is still pending only for awaiting of Commissioner's Report.
4. Learned advocate on behalf of the petitioner draws the attention of this Court to the order passed by the Coordinate Bench of this Court on 18th November, 2022 when it was specifically observed that both the parties filed their application for local investigation commission on 22nd December, 2016 and 3rd April, 2017 respectively, which was allowed vide order dated 30th

September, 2017 by appointing a Survey Commissioner. Direction was also given to the petitioner to deposit his share of Commissioner's fee amounting to Rs.1,000/- on 5th February, 2018, but since 12th February, 2018, the said suit was pending for Commissioner's Report.

5. It is unfortunate that from 9th October, 2023 till the next date 3rd May, 2024 the matter was pending for awaiting Commissioner's report and the next date is on 3rd June, 2025, which is also fixed for Commissioner's Report.
6. Heard the submission, considered the materials on record and the copies of the certified copy of the various order-sheets as well as the orders passed by this Hon'ble Court on two occasions.
7. It is undisputed that the suit is pending since 2008 and, both the occasions, the Hon'ble Coordinate Bench was pleased to direct the learned Trial Court to dispose of the suit as expeditiously as possible. However, because of various reasons as well as filing of this applications and some other reasons best known to the learned Trial Court, the suit is still pending for Commissioner's Report.
8. At this stage, this Court is also of the view that the learned Court must consider the long pendency of this Title Suit and must make endeavour to dispose of the suit at an earliest without granting any unnecessary adjournment to either of the parties.

9. The learned Trial Court must make all efforts to obtain the Commissioner's Report as it is not denuded with any power by the Code of Civil Procedure for obtaining such report from the Survey Commissioner.
10. Therefore, the learned Court is directed to dispose of the suit at an earliest preferably within a period of eight months from the date of communication of this order on merits and in accordance with law.
11. With these above observations/directions, revisional application being, C.O. 2895 of 2024 stands disposed of.
12. No costs.
13. Since, no notice of this revisional application has been served upon the opposite parties, this Court refrains from making any observation on the merits of this case.
14. Let a copy of this order be sent down by the Department to the learned Trial Court for necessary information and taking necessary compliance.
15. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(CHAITALI CHATTERJEE (DAS), J.)