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28.08.2025
Ct. No.-6
D.Hira

C.O. 3121 of 2025

**Tamasa Chatterjee
Vs.
Prokash Roy**

Mr. Partha Pratim Roy,
Mr. Sarbananda Sanyal,
Mr. Samrat Chakraborty..

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant/respondent in Miscellaneous Appeal No. 9 of 2020 praying for a direction upon the learned Civil Judge (Senior Division), Kandi, Murshidabad to dispose of the miscellaneous appeal expeditiously.

Mr. Sarbananda Sanyal, learned advocate appearing for the petitioner submits that repeated dates have been fixed for service returns and awaiting trial court records.

He further submits that the appeal is otherwise ready for hearing by way of appearance.

On a query of this Court, Mr. Sanyal, learned advocate appearing for the petitioner submits on the last date on January 14, 2025, the petitioner has already entered appearance in the miscellaneous appeal.

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 sheet appended, this Court finds that repeated dates have been fixed for service returns and acknowledgement due.

It will be open to the parties to pray for dispensing with the requirement for bringing trial court records to the Appellate Court, for the purpose of hearing of the Miscellaneous Appeal No. 9 of 2020, subject to the parties filing the necessary documents which were before the learned Trial Judge at the time of passing the order, which is impugned in the Miscellaneous Appeal No. 9 of 2020.

With the above observations and directions, C.O. No. 3121 of 2025 stands disposed of. The learned Judge of the Appellate Court is requested to make an endeavour to dispose of the Miscellaneous Appeal No. 9 of 2020 expeditiously, after the same is made ready for hearing.

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.)