

D/L- 37
04/09/2025
Ct. No.-6
Aritra

C.O. 3290 of 2025

Prahlad Roy
Vs.
Sri Asit Kumar Roy

Mr. Rameshwar Sinha
Ms. Debanjana Sen

....for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated July 10, 2025 passed by the learned Civil Judge (Jr. Div.), 5th Court at Howrah in Title Suit No.248 of 2011.

By the said order the learned trial judge only fixed the date of hearing of the application for amendment on September 2, 2025.

The learned advocate appearing for the petitioner submits that the hearing of the application for amendment was adjourned on September 2, 2025 and the same has been fixed on December 4, 2025. He submits that the learned trial judge ought not to have fixed the date for hearing of the application under Order 6 Rule 17 of the Code of Civil Procedure but ought to have proceeded with the hearing of the title suit. Since an interlocutory application has been filed, it was the duty of the learned trial judge to fix a date of hearing of such application.

This Court does not find any infirmity in the order dated July 10, 2025 fixing a date of hearing of the application under Order 6 Rule 17 of the Code of Civil Procedure.

CO 3290 of 2025 stands disposed of by requesting the learned Civil Judge (Jr. Div.), 5th Court at Howrah to make an endeavour to dispose of the application under Order 6 Rule 17 of the Code of Civil Procedure 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.)