

Sl.3
17.06.2025
Court No.6
BP

C.O. 3426 of 2024

Manoj Kumar Bhutoria & Ors.
-versus-
Debasish Banerjee & Ors.

Mr. Arif Ali
Mr. Sarban Bhattacharjee
... for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the plaintiffs/opposite parties in a miscellaneous case and directed against an order dated August 21, 2024 passed by the learned Civil Judge (Senior Division), 7th Court at Alipore in Misc. Case No. 238 of 2022 arising out of Title Suit No. 62 of 1986.

In spite of service none appears for the opposite parties.

The learned advocate appearing for the petitioners submits that the opposite parties herein are trying to prolong the miscellaneous case which is a proceeding for review of judgement and decree dated 4th November, 2022 passed in Title Suit No. 62 of 1986.

Considering the scope of the provisions of Order 47 of the Code of Civil Procedure this Court is of the considered view that further cross-examination was not warranted.

In view thereof, the impugned dated August 21, 2024 passed in Miscellaneous Case No. 238 of 2022 is

set aside. The learned Civil Judge (Senior Division), 7th Court at Alipore is directed to dispose of the Miscellaneous Case No. 238 of 2022 as expeditiously as possible preferably by the end of the month of December, 2025 without granting any unnecessary adjournments to either of the parties.

With the above observations and directions, C.O. 3426 of 2024 stands disposed of.

No order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)