

AD-39
Ct No.16
17.01.2025
TN

CO 3519 of 2024

Sri Manoj Yadav
Vs.
Forward Seamen's Union of India and others

Mr. Arindam Banerjee, Ld. Sr. Adv.,
Ms. Arpita Saha,
Mr. Ashis Kr. Mukherjee,
Mr. Saurabh Prasad

.... for the petitioner

1. In view of the innocuous nature of the prayer, no prior service of notice is directed.
2. The present application under Article 227 of the Constitution of India has arisen at the behest of the defendant no.4 in a suit for declaration and consequential reliefs. The defendant no.4 obtained an order under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure against which Miscellaneous Appeal No. 11 of 2018 was preferred by the plaintiff.
3. During pendency of the appeal, two parties died, for which paper publication was directed and the draft for such publication was filed by the appellant, that is, the opposite party no.1 herein, before the appellate court. It is also submitted by learned counsel for the petitioner that the said draft has also been approved in the meantime. Accordingly, since the miscellaneous appeal is pending since long, that is, from the year 2018, the ends of justice would be sub-served in the event the appeal is directed to be decided early.

4. Hence, CO 3519 of 2024 is disposed of requesting the learned Additional District Judge, Third Court, Alipore, District-South 24 Parganas to ensure that the paper publication in respect of the deceased parties to Miscellaneous Appeal No.11 of 2018, pending before the said court, is concluded as expeditiously as possible, and to dispose of the miscellaneous appeal itself also at an early date, positively within four months from the date of communication of this order to the learned Appellate Judge.
5. The parties as well as all concerned shall act on the server copy of this order without insisting upon prior production of certified copy thereof for the purpose of compliance.
6. There will be no order as to costs.
7. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)