

AD-56
Ct No.16
17.01.2025
(SSS)

CO 3669 of 2024

Saswati Bose and Anr.
Vs.
Shibu Ram Ghosh and Ors.

Mr. Shaunak Ghosh,
Ms. Shreyashi Maity,
Mr. Sourav Mondal

....For the Petitioners.

1. In view of the innocuous nature of the order proposed, no prior service of notice is directed on the Opposite Parties.
2. The present application under Article 227 of the Constitution of India arises out of a declaratory suit filed by the Opposite Party No. 1, where the petitioners are the added defendants. The suit, of the year 2010, is pending since long. It is submitted that despite a previous direction of Court, although an application under Order 1 Rule 10 of the Code of Civil Procedure has already been disposed of, there is still a pending application under Order 7 Rule 11 of the Code of Civil Procedure filed by the defendant/Opposite Party No. 3, the Kolkata Municipal Corporation.
3. Keeping in view the previous order of the coordinate bench to dispose of the same expeditiously

as well as in view of the long pendency of the application, CO 3669 of 2024 is disposed of by directing the learned Civil Judge (Junior Division), Fifth Court at Alipore, District – South 24 Parganas to positively dispose of the pending application under Order 7 Rule 11 of the Code of Civil Procedure, pending at the behest of the defendant/Opposite Party No. 3 in connection with Title Suit No. 224 of 2010, as expeditiously as possible, positively within four weeks from the date of the communication of this order to the learned Trial Judge.

4. There will be no order as to costs.

5. The parties and all concerned shall act on the server copy of this order without insisting upon prior production of any certified copy for the purpose of compliance.

(Sabyasachi Bhattacharyya, J.)