

AD-12
Ct No.16
21.02.2025
TN

CO 3730 of 2024

Nandalal Dey
Vs.
Smt. Tamasi Paul and others

Mr. Meghnad Dutta,
Mr. A. Dutta

.... for the petitioner

1. In view of the innocuous nature of the order proposed to be passed, no prior service of notice is being directed.
2. The defendant no.1 is aggrieved by long pendency for about a year of an application for taking evidence of the petitioner, who is the defendant no.1 in the suit, *de bene esse* on the ground of the advanced years of the petitioner, who is an octogenarian.
3. It also transpires that the petitioner is suffering from various ailments.
4. Accordingly, sufficient urgency has been made out for expeditious disposal of the said application.
5. Hence, CO 3730 of 2024 is disposed of by requesting the learned Tenth Bench, City Civil Court at Calcutta to dispose of the pending application of the defendant no.1/petitioner under Order XVIII Rule 16 read with Section 151 of the Code of Civil Procedure pending before the said court in connection with Title Suit No. 1638 of 2021 as expeditiously as possible, positively

within one month from the date of communication of this order to the learned Trial Judge.

6. It is expected that keeping in view the age of the petitioner, the learned Trial Judge shall, after deciding the application and disposing of all pending application(s), if any, endeavour to dispose of the suit itself as expeditiously as possible, preferably within a period of one year from the date of disposal of the pending application(s).
7. There will be no order as to costs.
8. 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.)