

21.1.2025
31
Ct. no. 237
sb

CO 3750 of 2024

Smt. Kanak Lata Maji & Ors.
Vs.
Smt. Poly Goswami

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. Rudranil Das
Mr. Tapas Chatterjee ...for the Petitioners

This is an application wherein the petitioners have sought for expeditious hearing of Title Suit no. 363 of 2023 pending before the learned Civil Judge (Junior Division), 2nd Court, Uluberia, Howrah.

The aforesaid suit was filed in connection with the eviction of a tenant by serving a notice under Section 106 of the Transfer of Property Act. In the said suit, it is alleged that in spite of service of summon, the defendant/tenant did not appear. Thereafter on 10th January, 2025 when the suit was posted for ex parte hearing, the defendant filed an application for vacating the ex parte hearing posting order along with written statement and Vakalatnama. Learned court allowed the prayer for vacating the posting order of ex parte hearing, subject to the payment of cost of Rs. 500/- and fixed on 2nd May,

2025 for framing of issue and payment of cost of the defendant.

Being aggrieved by that order, the petitioners submit that after about five months, the next date has been fixed and thereby the matter has been unnecessarily dragged and as such, they prayed for passing necessary direction for expeditious hearing of the said suit.

Since the prayer made by the petitioners is innocuous and if any order passed in terms of the prayer made in the petition, neither party will have a cause to prejudice, the service of copy of the application upon the opposite parties is dispensed with.

Upon hearing of learned counsel for the petitioners and considering the facts and circumstances of the case, it appears that the prayer made by the petitioners is justified. The Trial court is directed to fix a date in the month of February for framing issue and the court below is also directed to make every endeavour for expeditious disposal of the suit and to make his best effort to conclude the entire proceeding of the suit preferably within a period of six months from the date of framing of issue.

C.O. 3786 of 2024 is accordingly disposed of.

Urgent Photostat certified copy of this order,
duly applied for, be given to the parties upon
compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)