

27.1.2025
23
Ct. no. 237
sb

CO 3837 of 2024

Sri Pradip Chakraborty
Vs.
Sri Bijay Kumar Sahoo & Ors.

Mr. Sashwat Nayak
Mr. Sourav Roy ...for the Petitioner

This is an application wherein the petitioner has prayed for expeditious hearing of Title Appeal no. 47 of 2018 presently pending before the learned Additional District Judge, Fast Track, 3rd Court, Howrah.

Petitioner contended that initially a second appeal was preferred before this court against the judgment and order passed by the first appellate court and this court while disposing the said second appeal, was pleased to remand the case for fresh hearing by the first appellate court.

Being aggrieved by that order, the landlord/petitioner preferred special leave petition before the Supreme Court and the Supreme Court by its order dated 27.9.2024, was pleased to give permission to the petitioner to withdraw the said SLP

with a liberty to approach the High Court for seeking direction for expeditious disposal.

Accordingly, the petitioner approached before this court and this court by its order dated 26.8.2019, was pleased to direct the first appellate court to decide the appeal within a year of the receipt of the copy of said order.

It is submitted on behalf of the petitioner that since then, the said appeal is still pending for hearing and has not yet been disposed of.

He further submits that the landlord/petitioner herein also filed a petition seeking occupational charges on 13th August, 2024 and the Appellate Court kept also the said application pending till date. Accordingly, the petitioner submits that a direction may be given upon the court below for expeditious disposal of the appeal along with the said application dated 13th August, 2024.

Since the prayer made by the petitioner is innocuous and if any order is 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 or notice upon the opposite parties is dispensed with.

Considering the facts and circumstances of the case and that the prayer made by the petitioner is

justified in view of aforesaid directions made earlier, the present application being C.O. 3837 of 2024 is hereby disposed of with a direction upon the court below to dispose of the petitioner's application dated 13th August, 2024 claiming occupational charges, preferably within a period of one month and to dispose of the appeal preferably within a period of six months from the date of communication of the order.

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.)