

31.01.2025
s.das
Ct. No. 237
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C.O. 3905 of 2024

Smt. Probhati Chatterjee
Vs.
M/s. Module

Mr. Partha Pratim Roy
Mr. Soumyadeb Sinha
Ms. Suranjana Chatterjee
..... for the petitioner

Petitioner has preferred this application being aggrieved by the impugned order dated 16.05.2024 passed by the learned 5th court, Civil Judge (Senior Division), Alipore, in Title Suit No. 184 of 2019.

Learned Counsel for the petitioner submits that he, as a plaintiff, filed a suit for eviction against the defendant who is a licensee in respect of the suit property. Petitioner earlier filed an application before this Court for expeditious disposal of the suit and while disposing of the said application being C.O. No. 1441 of 2022 this Court requested the trial court to ensure expeditious disposal of the pending suit after causing disposal of interlocutory application and without granting unnecessary adjournments.

Thereafter the matter was heard *ex parte* and after conclusion of trial, trial court fixed date for passing *ex parte* order.

Thereafter by the impugned order dated 16.05.2024 trial court recorded that plaintiff has not taken any step and at that stage he requires clarification in respect of the title deed and accordingly he fixed date 15th June, 2024 for clarification regarding the title deed and order.

Learned Counsel for the petitioner submits that no such title deed was ever filed or proved by the plaintiff and as such clarification of title deed does not arise. He further submits that since that date the *ex parte* proceeding is still pending for passing order. It is also submitted that the said suit relates to eviction of inductee licensee by the inductor landlord.

Learned Counsel for the petitioner accordingly prays that a direction may be passed upon the court below for expeditious delivery of judgment on the basis of materials and evidence already placed on record.

Since the prayer made on behalf of the petitioner is innocuous and justified it may be allowed for ends of justice.

In such view of the matter C.O. 3905 of 2024 is hereby disposed of with a direction upon the court

below to deliver judgment on the basis of materials and evidence already placed on record and without seeking for any further clarification, preferably within a period of thirty days from the date of communication of this order.

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

(Dr. Ajoy Kumar Mukherjee, J.)