

Ct. No. 237
28.02
2025
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C.O. 3943 of 2024
Amala Panda & Anr.
Vs.
Binod Kumar Jaiswal

Mr. Debasish Kar
Mr. Arka Tilak Bhadra **...For the Petitioner**

This is an application seeking expeditious disposal of the petition filed by the petitioner on 12.12.2022 in Ejectment Suit No. 99 of 2009 presently pending before the learned Civil Judge (Junior Division), 2nd Court at Barrackpore.

It is submitted that the petitioner is 72 years old aged lady and the opposite party herein filed a suit for eviction and recovery of possession in respect of the suit premises, being Ejectment Suit No. 99 of 2009.

During pendency of the suit, husband of the petitioner died and thereafter the opposite party had unlawfully dispossessed the petitioners from the tenanted premises. Petitioners accordingly prayed for restoration of possession and by an order dated 13th September, 2022 the order for restoration was passed. Since the opposite party landlord did not comply the order for restoration of possession, the petitioners herein preferred an application under Section 151 of the Code of Civil Procedure for enforcing the said order dated 13th September, 2022 with the help of police authority. The said application for police help

dated 12.12.2022 is still pending for disposal.

Since the prayer made on behalf of the petitioner is innocuous and if any order is passed in terms of the said prayer, other party will have no cause to prejudice, service of notice and copy of the application upon the opposite party is dispensed with.

Having heard learned Counsel appearing on behalf of the petitioner and considering the age of pendency of the application I find that the prayer made by the petitioner is justified and required to be allowed for the ends of justice.

In such view of the matter C.O. 3943 of 2024 is hereby disposed of with a direction upon the Court below to dispose of the application on the next date of hearing or preferably within a period of thirty days thereafter.

Urgent photostat certified copy of this order, if applied for, be supplied to the petitioner, on priority basis on compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)