

27.01.2025
Item No.9
KS
Ct. No.7

C.O. 4064 of 2024
Joydeb Karmakar & Ors.
Versus
Ananda Karmakar & Ors.

Mr. Maloy Bhattacharyya
Mr. Subhrojyoti Ghosh

.....For the Petitioners

1. This is an application for direction upon the learned Civil Judge (Junior Division), Ghatal, Paschim Medinipur to dispose of Title Suit No.20 of 2012 as expeditiously as possible.
2. Learned advocate appearing for the petitioners submits that though 18th June, 2019 was fixed for evidence of the defendants' witnesses but, the evidence of the defendants' witnesses is yet to be completed.
3. Record reveals that the suit for declaration and for permanent injunction was filed sometimes in the year 2012. It further appears from the order-sheet that the learned Trial Judge by an order dated 29th April, 2019 fixed 18th June, 2019 for evidence of the defendants' witnesses.
4. It further appears from the records that the learned Trial Judge by an order being No.105 dated 21st June, 2024 fixed 30th July, 2024 for further cross-examination of D.W.1.

5. Record reveals that by an order dated 16th April, 2024, the learned Trial Judge fixed 21st June, 2024 for further cross-examination of D.W.1 without fail and it was further observed that in default, the same will stand closed. However, on 21st June, 2024, no cross-examination of the D.W.1 took place and the next date was fixed on 30th July, 2024 for further cross-examination of D.W.1.
6. The learned advocate appearing for the petitioners submits that on 30th July, 2024, no cross-examination could be conducted as there was a cease work declared by the local Bar Association. He submits that 6th March, 2025 has been fixed for cross-examination of D.W.1.
7. In view of the order sought and proposed to be passed, this Court feels that there is no necessity to direct issuance of notice upon the opposite parties. The petitioners shall be obliged to forward a copy of this application as well as this order upon the opposite parties forthwith.
8. Taking note of the fact that the suit was filed in the year 2012 and repeated adjournments for cross-examination of D.W.1 was allowed, this Court is of the considered view that a direction should be passed upon the learned Trial Judge for disposing of the title suit as expeditiously as possible.

9. Accordingly, C.O. 4064 of 2024 is disposed of by requesting the learned Civil Judge (Junior Division), Ghatal, Paschim Medinipur to make endeavour that the cross-examination of D.W.1 is conducted on the next date fixed i.e. 6th March, 2025 and to conclude the evidence of the parties as expeditiously as possible without granting any unnecessary adjournments to either of the parties.
10. The learned Trial Judge is further requested to dispose of Title Suit No.20 of 2012 as expeditiously as possible but, preferably within a period of nine months from the next date fixed for cross-examination of D.W.1.
11. A time bound direction has been passed taking note of the peculiar fact of the case, as observed hereinabove.
12. There shall be, however, no order as to costs.
13. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(HIRANMAY BHATTACHARYYA, J.)