

28.01.2025
Item No.51
gd/ssd

CO/4164/2024
NITU PASWAN ALIAS POONAM DEBI PASWAN @
POONAM DEBI
VS
BIDYA DEVI SHAW @ BIDYA DEBI

Mr. Dhillon Sengupta,
Mr. Ayan Chakraborty,
Mr. Sohini Mukherjee
..for the Petitioner.

As prayed for by the learned Advocate for the petitioner, leave is granted to the learned Advocate-on-Record of the petitioner to implead the left out party in the cause-title of this revisional application, here and now.

The opposite party herein filed a suit for declaration of title and permanent injunction being Title Suit No.87 of 2010. The said suit was dismissed on contest against the defendant no.2 and ex parte against the defendant no.1 by a judgment and decree dated December 19, 2018.

The plaintiff filed an appeal being Title Appeal No.11 of 2019 and the learned Additional District Judge, 5th court at Howrah by judgment and decree dated November 22, 2023 after setting aside the judgment and decree of the trial court sent the suit back on remand to the learned Trial Judge in terms of the provisions of Order 41 Rule 23 of the Code of

Civil Procedure with a direction to hear the suit afresh on the issues indicated in the order of remand.

After remand, the plaintiff filed an application for amendment of plaint which was allowed by an order dated 11th June, 2024 and the defendants were directed to file additional written statement.

It appears that the suit was adjourned on several occasions and dates were fixed for filing the additional written statement by the defendants. The last date for filing of the additional written statement was fixed on 16th December, 2024.

It appears that the suit was initially filed in the year 2010 and after remand by the learned 1st Appellate Court the same is still pending and repeated adjournments were granted for filing the additional written statement by the defendants.

Taking note of the peculiar facts of this case, this court is inclined to pass a direction upon the learned Trial Judge to dispose of the suit within a specified time frame.

The learned Civil Judge (Junior Division), 6th court at Howrah is requested to dispose of the Title Suit No.87 of 2010 which has been renumbered as Title Suit No.10835 of 2014 as expeditiously as possible but preferably by the end of September,

2025 without granting any unnecessary adjournments to either of the parties.

With the above directions, CO 4164 of 2024 stands disposed of.

There will be no order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(HIRANMAY BHATTACHARYYA, J.)