

D/L- 66
25/03/2025
Ct. No.-6
Aritra

C.O. 4475 of 2024

**Debasish Chakraborty
Vs.
Cygnus Developers Private Limited**

Mr. Soumen Das

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant praying for a direction upon the learned Civil Judge (Sr. Div.), 9th Court at Alipore to dispose of the Title Suit No.1756 of 2008.

The learned advocate appearing for the petitioner submits that a co-ordinate Bench passed an order on August 11, 2023 in CO 2058 of 2022 directing the suit to be disposed of within a year from the date of communication of the said order. He further submits that in spite of such direction no steps have been taken to dispose of the suit expeditiously.

In view of the order sought and proposed to be passed this Court feels that there is no necessity to direct issuance of any notice upon the opposite parties. However, the learned advocate on record of the petitioner shall be obliged to forward a copy of this application along with this order upon the opposite parties or the learned advocates representing the opposite parties before the learned Trial Judge.

From the order sheets appended to this application this Court finds that on April 30, 2024 the parties did not take any steps.

It further appears that the Presiding Officer was transferred and hearing of the case was adjourned. From the order dated June 19, 2024 it appears that the defendant did not take any steps. The learned trial judge was thus, compelled to fix September 13, 2024 for hearing of the application under Order 6 Rule 17 of the Code. On September 13, 2024 both the parties filed hazira but did not take any steps to advance their argument in connection with the petition under Order 6 Rule 17 of the Code on the ground that there was a resolution taken by the local bar association. Accordingly, the learned trial judge fixed January 13, 2025 for hearing of the application under Order 6 Rule 17 of the Code.

The learned advocate appearing for the petitioner submits that the application under Order 6 Rule 17 of the Code was finally heard on January 13, 2025.

As observed hereinbefore it is the parties who are responsible for the delay in hearing of the application under Order 6 Rule 17 of the Code.

However, taking note of the fact that the application under Order 6 Rule 17 of the Code has been heard and the suit is of the year 2008, CO 4475 of 2024 is disposed of by requesting the learned Civil Judge (Sr.

Div.), 9th Court at Alipore to make an endeavor to see that the Title Suit No.1756 of 2008 is disposed of as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)