

S/L 2
10.01.2025
Court. No. 3
Sourav

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CO 2 of 2025

**Sri Arjun Kumar Yogi
Vs.
Sri Krishna Bahaadur Yogi & Ors.**

*Mr. Nripen Das
Mr. Debanjan Das*

...for the petitioner.

1. This revisional application is at the instance of the petitioner who is the plaintiff before the learned trial Court in O.C. Suit No. 3 of 2010. It is the grievance of the plaintiff/petitioner that before the learned trial Court several dates have been fixed for evidence of defence witnesses but not on a single occasion, the defendant has tendered his evidence.
2. Learned advocate for the plaintiff/petitioner draws attention of this Court to the orders dated 22.05.2024, 18.07.2024, 14.08.2024, 07.09.2024 and 22.10.2024.
3. On careful consideration of the entire materials as placed before this Court, this Court has every reason to believe that there is some substance in the submission of the learned advocate appearing on behalf of the petitioner.
4. In view of such while disposing the instant revisional application, this Court directs the learned trial Court to proceed with O.C. Suit No. 3 of 2010 in *de die in diem* basis without granting any adjournment to either sides. The learned trial Court is further

directed to conclude the trial of O.C. Suit No. 3 of 2010 positively by the last day of February, 2025 and shall positively pass judgment in the said suit by the 13th day of March, 2025.

5. The time limit as fixed by this Court is mandatory and preemptory.
6. Department is directed to forward a copy of this order to the learned trial Court forthwith. Department is further directed to forward another copy of this order to the learned District Judge, Kalimpong who is requested to see that the order as passed by this Court is duly complied with by the trial Court in letter and spirit.
7. With the aforementioned observations, the instant revisional application being **CO 2 of 2025** is thus disposed of.
8. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)