

SUPREME COURT OF INDIA

Sushit Kanti Choudhury

Vs.

Bimal Chakraborty

S.L.P. (C) No. 13765 of 2003

(B. N. Agarwal and H. K. Sema JJ.)

12.07.2004

ORDER

1. Heard learned counsel for the parties.
2. Leave granted.
3. The plaintiff/appellant filed a suit in which an order of status quo was passed by the trial Court by way of interim measure but after hearing the other side, the same was vacated. Against the said order, an appeal was filed before the District Court which was allowed and the order passed by the trial Court was set aside and status quo was granted. Thereupon, the defendant/respondent took up the matter in revision before the High Court which directed that until further orders operation of the order passed by the appellate Court shall remain stayed. In the said revision, an application for modification of the order aforesaid was filed by the plaintiff before the High Court which has been rejected by the impugned order. Hence, this appeal by special leave.
4. The suit was filed in the year, 1998 and a period of six years has expired. Both the parties agree that the suit is ready for hearing. In the facts and circumstances of the case, we feel that the suit should be disposed of within a time schedule and in the meantime interim order should continue.
5. Accordingly, we allow this appeal, modify the impugned order passed by the revisional Court and direct that pending disposal of the suit, status quo in relation to possession of the disputed property shall be maintained and all the parties are directed not to dispose of or, in any manner, encumber the disputed property. The trial Court shall take all possible steps for disposal of the suit within a period of nine months from the date of production of the certified copy of this order before that Court. All the parties shall cooperate the Court in disposal of the suit within the time specified above and the Court shall not grant unnecessary adjournments to any of the parties without there being any reasonable cause. In case the plaintiff fails to cooperate the court in disposal of suit within aforesaid time schedule, the

trial Court shall record an order to that effect and from that date the presents interim order passed by this Court shall stand vacated.

6. The appeal shall stand disposed of accordingly.