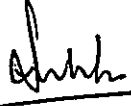


Case No.....**FAO No.1 of 2009**.....

Serial No.	Date	Order (s) with Signature (s)
1	2	3
06.	15.09.2009	<p style="text-align: center;"><u>PRESENT</u></p> <p style="text-align: center;">HON'BLE MR. JUSTICE A. P. SUBBA, JUDGE</p> <p>Heard Ms. Laxmi Chakraborty, learned counsel for the appellants, Mr. Karma Thinley, learned State counsel for the State-respondents and Mr. N. Rai, learned counsel with Ms. Jyoti Kharka, learned counsel for the respondent No.4.</p> <p>In the course of the hearing, it was appraised by the learned counsel for the parties that the main suit now in progress before the learned trial Court is already in the stage of framing issues and evidence. Such being the present status of the suit both the parties jointly submitted that if a time frame is set and if the learned trial Court is directed to dispose of the suit within such time it may not be necessary for the appellants to pursue this appeal any further. Mrs. Chakraborty, learned counsel for the appellants, in all fairness, expressed her willingness not to press the present appeal if a direction is issued to the learned trial Court to hear and dispose of the matter within a reasonable time with a condition that the parties maintain status quo till the disposal of the suit. Mr. N. Rai, learned counsel appearing for the respondent No.4 submitted that the disposal of the matter would be expedited if the trial Court records the cross-examination of the witnesses by itself instead of referring it to the Commissioner. The suggestion so made by the learned counsel for the respondent No.4 is acceptable to the learned counsel for the appellants as well as learned State counsel for the respondent Nos.1, 2 and 3. -</p> <p>So far as the time frame is concerned, it was agreed that keeping in view the fact that the suit is at the stage of framing of issues to be followed by recording of evidence</p>

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	ds	<p>three months time would be sufficient. In order to facilitate disposal of the matter within the specified time both parties also agree not to seek any adjournment of proceedings except for unavoidable reasons.</p> <p>In view of above understanding arrived at between the parties this matter is disposed of with the following orders/directions:-</p> <ol style="list-style-type: none"> 1. The learned trial Court shall hear the matter as expeditiously as possible giving due priority to it and will make all efforts to dispose of the matter within a period of three months from the date of receipt of the records. In order to facilitate disposal of the matter within the time frame the parties will not seek adjournment except for unavoidable reasons. 2. In order to facilitate disposal of the matter within the specified time frame, the learned trial Court shall itself record cross-examination of the witnesses instead of appointing Commissioner for the purpose. 3. As agreed to, the parties shall maintain status quo as of today until the matter is disposed of by the learned trial Court in the manner and within the time frame as set out above. <p>The lower Court record may be returned forthwith.</p> <p>Both the parties shall appear before the learned trial Court on 22-09-2009 for necessary direction in the matter.</p> <p>A copy of this order be forwarded to the learned trial Court for information and compliance.</p> <p style="text-align: right;">  <hr style="width: 150px; margin: 0 auto;"/> Judge </p>