

S/L 11
29.01.2021
Court. No. 19
GB

C.O. 170 of 2021

Janmenjoy Maity
Vs.
Sourav Das & Ors.

(Through Video Conference)

*Mr. Amitava Mukherjee,
Mr. Rajes Jana.*

...for the Petitioner.

This revisional application has been filed by the defendant no.48 in Title Suit No.202 of 2018, pending before the learned Civil Judge (Senior Division) at Kakdwip, District 24 Parganas (South).

It is the contention of the of the defendant no.48 that an application filed on September 7, 2018 for recording abatement of the suit in so far as the deceased defendant no.10 is concerned has not been taken up for hearing and disposed of. The learned advocate for defendant no.48 further prays that the application for injunction also should be disposed of expeditiously. These are innocuous prayers.

It is submitted by the defendant no.48 that the ad interim order has been extended from time to time but the application for injunction is pending. It is also submitted by the defendant no.48 that the application for recording abatement was filed way back in 2018 which is still pending. Thus, the learned advocate for the defendant no.48 submits that the learned court below should be directed to dispose of the pending applications expeditiously.

Under such circumstances the revisional application is disposed of with a direction upon the learned court below to dispose of the pending applications on their own merits and in accordance with law upon allowing all parties to contest the same within a period of two months from the next date.

It is made clear that this Court has not made any observations on the merits of the application. This order also shall not being construed as a direction upon the learned court below to allow the prayers made in the pending applications. The learned court below will proceed independently on the merits of each application.

Petitioner is directed to serve a copy of this revisional application along with a server copy of this order upon the learned advocates appearing for the respective parties in the learned court below within a week from date.

The revisional application is disposed.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)