

12.02.2021
Court No. 19
Item No.24
CP

C.O. 287 of 2021

Shri Joydev Mondal & ors.
vs.
Shri Jayanta Roy & ors.
(via video conference)

Mr. Mrinal Kanti Ghosh

.....for the petitioners.

This revisional application has been filed for expeditious disposal of Misc. Case No. 05 of 2017, pending before learned Civil Judge (Senior Division) Kalna, arising out of Title Suit No. 11 of 1987. The plaintiffs are the petitioners before this court.

It is the contention of the petitioners that the defendants were never vigilant and diligent about proceeding with the partition suit. The suit was decreed in preliminary form ex parte and also in final form ex parte. The final decree was drawn up on January 17, 2014. Thereafter, an application under Order 9 Rule 13 was filed for setting aside the ex parte decree.

It is submitted that the said application has been pending for a long time and the learned court below be directed to dispose of the same expeditiously.

The submissions made by the learned advocate for the petitioners is substantiated by the certified copy of the orders. On an earlier occasion as well, this court had directed the learned court below to dispose of the Misc. Case expeditiously.

The revisional application is disposed of with a direction upon the learned court below to dispose of the Misc. Case No. 5 of 2017 filed by the opposite parties 1 to 7 in the revisional application, within two months from the next date fixed, mandatorily, upon affording an opportunity to the parties to contest the same.

This court has not gone into the merits of the claims of the petitioners and the learned court below shall proceed independently and on the merits of the application pending.

Petitioners are directed to serve a copy of the revisional application along with the server copy of this order upon the opposite parties 1 to 7 within a week from date.

The revisional application is disposed of. There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible subject to compliance of all usual formalities.

(Shampa Sarkar, J.)