

25.02.2021
Sl. No. 9
srm

C.O. No. 376 of 2021

**Sourav Roy
Vs.
Ganga Bohra**

Mr. Probal Mukherjee,
Mr. Suhridd Sur

...for the Petitioner.

This revisional application has been filed for expeditious disposal of the Title Suit No.1266 of 2015 pending before the learned Civil Judge (Senior Division), 2nd Court at Barasat, District 24-Parganas (North).

Records reveal that the suit was fixed for peremptory hearing on July 7, 2017. Thereafter the plaintiff did not appear and the learned Court below issued a show cause upon the plaintiff as to why the suit should not be dismissed. On October 30, 2019, the plaintiff answered to the show cause. May 27, 2020 was fixed for acceptance of the show cause. The petitioner/defendant did not wish to file any objection to the said show cause but the learned Court below did not take up the matter and fixed several dates thereafter.

Mr. Mukherjee, learned Senior Advocate appearing on behalf of the petitioner, submits that the petitioner has no objection if the show cause filed by the plaintiff is accepted by

the learned Court below and the suit may proceed as the issues have already been framed.

I find that the prayer of the petitioner is innocuous.

Records support the contentions of Mr. Mukherjee.

Under such circumstances, this revisional application is disposed of with a direction upon the learned Court below to pass appropriate orders on the next date fixed and continue with the hearing of the suit expeditiously. The suit should be disposed of within a period of six months from the next date fixed.

This Court has not gone into the merits of the claims and counterclaims of the parties and the learned Court below shall proceed independently and in accordance with law.

The learned Advocate-on-record for the petitioner is directed to serve a copy of this revisional application upon the opposite party as also the learned Advocate appearing in the learned Court below along with a server copy of this order within a week from date.

The revisional application is disposed of.

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.)