

11.03.2021
Sl. No. 10
srm

C.O. No. 480 of 2021

**Debasis Banerjee
Vs.
Bithika Majumder**

Mr. B. Panda,
Mr. Subham Kanti Bhakat

...for the Petitioner.

Leave is granted to the learned Advocate-on-record for the petitioner to correct the cause title.

This revisional application has been filed by the respondent in Misc. Appeal No.9 of 2018 pending before the learned Civil Judge (Senior Division), 1st Court at Baruipur, South 24-Parganas.

The petitioner prays for expeditious disposal of the said Misc. Appeal, as the suit, in which the petitioner is the plaintiff, is not proceeding.

Records reveal that February 6, 2020 had been fixed for hearing of the Misc. Appeal. Thereafter on several occasions the Misc. Appeal was not taken up for hearing either due to the resolution of the local Bar or on account of an adjournment. Lastly, February 27, 2021 was fixed for hearing of the Misc. Appeal. It is submitted that the Misc. Appeal was also not heard on the said date.

The prayer of the petitioner is innocuous.

This revisional application is disposed of with a direction upon the learned lower appellate Court to dispose of the Misc. Appeal No.9 of 2018 expeditiously, preferably within a period of two months from the next date fixed upon allowing all the parties to contest suit.

This Court has not gone into the merits of the case and the learned Court below shall proceed with the hearing of the Misc. Appeal on its own merits 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 along with a server copy of this order immediately.

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.)