

18.03.2021
Sl. No. 27
srm

C.O. No. 597 of 2021

Akhilesh Goenka
Vs.
Rajesh Goenka & Ors.

Mr. Arindam Banerjee,
Mr. S. Bhattacharya,
Mr. B. Kumar,
Mr. R. Baliyal

...for the Petitioner.

This revisional application has been filed by the plaintiff/petitioner in Title Suit No.1336 of 2018 pending before the learned Civil Judge (Senior Division), 2nd Court at Alipore, 24-Parganas South. The petitioner prays for expeditious disposal of the title suit along with the pending applications.

It is submitted that three applications are pending before the learned Court below. The first application is under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, the second is under Order VIII Rule 10 of the Code of Civil Procedure and the third application is under Section 151 of the Code of Civil Procedure. It is submitted that these applications have been pending for a long time.

Without going into the merits of the suit and/or pending applications, this revisional application is disposed of with a direction upon the learned Court below to dispose of the

pending applications in connection with the title suit within a period of three months from the next date fixed, upon allowing an opportunity to the contesting parties to file their written objection and contest the proceedings. Upon disposal of the interlocutory applications, the learned Court below shall make serious endeavour to dispose of the title suit within one year thereafter.

The learned Court below shall proceed on the merits of the applications and the suit and without being influenced by any observation made hereinabove. This court has not gone into the contentions of the parties.

It is also made clear that unnecessary adjournments shall not be granted to either of the parties.

The learned Advocate-on-record for the petitioner is directed to serve copies of this revisional application upon the opposite parties as also their learned Advocate appearing in the Court below 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.)