

S/L 16
20.04.2021
Court. No. 19
GB

C.O. 902 of 2021

Habibulla Mallick
Vs.
Smt. Nandini Basu Roy

(Through Video Conference)

Mr. Kallol Kumar Maity,

...for the Petitioner.

This revisional application has been filed praying for expeditious disposal of the application under Order VII, Rule 11 of the Code of Civil Procedure filed by the petitioner in J. Misc. Case No.40 of 2017 pending before the learned Civil Judge (Junior Division), 1st Court, Contai, District – Purba Medinipur.

It is submitted that only an application under Order VII, Rule 11 of the Code of Civil Procedure filed by the petitioner is pending before the learned court below. It is submitted that the application has been pending for quite sometime and the suit is being dragged.

Without going into the merits of the claim of the petitioner and without making any observations on the contentions of the petitioner with regard to the allegations of delay, this Court is of the opinion that justice would be subserved if the learned court below is directed to dispose of the application under Order VII, Rule 11 of the Code of Civil Procedure within a period of two months from the next date

fixed in accordance with law and on merits and upon giving an opportunity to all the parties to contest the same.

The learned court below shall proceed on the merits of the application and independently. Thereafter the suit shall proceed expeditiously.

The petitioner is directed to serve a copy of this revisional application along with a server copy of this order upon the opposite party within this week.

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.)