

**In the High Court at Calcutta
Civil Revisional Jurisdiction
Appellate Side**

C.O. No. 1199 of 2021

**Swapan Rakshit
-Vs.-
Jayanta Kumar Rakshit**

Mr. Uday Narayan Betal
...for the petitioner

In view of the innocuous nature of the order proposed to be passed, no prior service of notice on the opposite party is deemed necessary.

The petitioner has made out sufficient case as regards the long pendency of the petitioner's application under Order IX Rule 13 of the Code of Civil Procedure and the connected application under Section 5 of the Limitation Act.

Hence, C.O. No. 1199 of 2021 is disposed of by requesting the Civil Judge (Junior Division), Second Court at Uluberia, District-Howrah, to dispose of Miscellaneous Case No. 2 of 2021, pending in the said court, which arises out of Title Suit No. 186 of 2012, immediately after disposal of the application under Section 5 of the Limitation Act filed in connection with the said miscellaneous case, as expeditiously as possible,

preferably within three months from the date of communication of this order to the court below, by shifting back the next date previously fixed, if necessary, upon sufficient notice to the opposite party and/or his advocate in the court below.

The petitioner shall communicate this order to the court below as well as to the opposite party and/or to the learned advocate appearing for the opposite party in the court below within a week from date, along with a server copy of this order.

It is made clear that the parties as well as the court below shall act on the server copy of this order without insisting upon prior production of the certified copy thereof.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the petitioner upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)