

18.04.2022

Sl. No. 12

Court No.7

B.M.

C.O 815 of 2022

Bapi Mondal @ Rahamatulla Mondal & Ors.

Vs.

Sahida Begum (Molla)

Mr. Bhagabat Chawdhury

Mr. Sk. Toslim Ali

... for the petitioner

A direction to secure expeditious disposal of Misc. Case No.205 of 2018, registered under Order 9 Rule 13 of CPC filed before the learned Civil Judge (Junior Division) 4th Court at Howrah arising out of T. S No.106 of 2016, is the ultimate relief sought for in this revisional application.

Admittedly, an ex-parte decision was rendered by the court below on 6th December, 2016.

Being aggrieved with the ex-parte decision of court below, the same was challenged upon filing an application under Order 9 Rule 13 of CPC supported by an application under Section 5 of the Limitation Act, praying for condonation of delay. Such Misc. Case admittedly was registered in the year 2018 against the ex-parte decision, reached on 6th December, 2016.

The only contention expressed by the learned advocate for the petitioners is against the delay caused in the disposal of pending Misc. Case coupled with an

application for condonation of delay under Section 5 of the Limitation Act.

In view of nature of the order proposed to be made in this case, no prior notice is considered to be necessary. Service upon the opposite party is, thus, dispensed with.

Accordingly, learned Civil Judge, Junior Division, 4th Court, Howrah in connection with Misc. Case No.205 of 2018 arising out of T.S. No.106 of 2016 is requested to ensure expeditious disposal of referred Misc. Case, after causing disposal of inter locutory application under Section 5 of the Limitation Act, providing sufficient opportunity of hearing to either of the parties in this case, but without granting unnecessary adjournment, unless it is extremely unavoidable.

Petitioners are directed to communicate this order to the learned court below as well as the learned advocate appearing for the opposite party and the opposite party.

With this direction and observation, the revisional application stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J)