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C.O. 875 of 2022

**Smt. Lipika (Majumder) Banerjee
Vs
Smt Suchismita Majumder & Ors**

Mr. Mrinal Kanti Ghosh, ... For the petitioner.

A direction to secure expeditious disposal of a partition suit being Title Suit No. 38 of 2017 of learned Civil Judge (Senior Division), Birbhum, is the ultimate relief sought for in this case.

The only contention expressed is against the delay caused in the disposal of the suit.

Upon perusal of the last order enclosed with the instant revisional application, it appears that on 7th February, 2022 date was fixed for filing written objection, written statement, show cause by the defendant No. 4, and also for extension.

It is submitted by the petitioner that the injunction application has already been disposed of. Defendant No. 4 has been added under Order I Rule 10 (2) of the Code of Civil Procedure at the instance of the petitioner/plaintiff.

It is thus clear that steps have been taken to secure appearance of defendant No. 4 serving summons for the purpose.

In view of the nature of the order proposed to be made in the cases referred above, no prior notice

is considered to be necessary.

Service upon the opposite parties is thus dispensed with.

Accordingly, learned Civil Judge (Senior Division), Birbhum in Title Suit No. 38 of 2017 is requested to expedite the process dealing with service of summons as regards defendant no. 4 adhering to the provisions of law, and then proceeded with the disposal of the suit observing formalities under the law and providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournment, unless it is extremely unavoidable.

Petitioner is directed to make communication of this order to the learned court below as well as to the learned advocate appearing in the court below for the opposite parties and the opposite parties.

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

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Subhasis Dasgupta, J)