

22.04.2022
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ct. no. 7
sb

C.O 902 of 2022

Mani Malika Majumdar
-vs-
Mr. Biswajit Samaddar & Anr.

Mr. Rajdeep Bhattacharya
...for the petitioner

A direction to secure expeditious disposal of a vacating application, filed by the opposite party/defendant, is the ultimate relief, as sought for in this case.

Admittedly, the petitioner/plaintiff instituted a suit for eviction of a licensee. Due to non-appearance of the defendant, previously the suit was posted for ex parte hearing sometimes in the year 2018. Subsequently, the opposite party/defendant has filed a vacating application for ex parte hearing. Till date, such vacating application has not yet been disposed of by causing serious prejudice to the petitioner.

In view of the nature of the order proposed to be made in this case, no prior notice is considered to be necessary.

The service upon the opposite party is thus dispensed with, so far as the present revisional application is concerned.

Accordingly, the learned 5th Civil Judge (Senior Division), Alipore, in Title suit No. 1137 of 2017 is requested to ensure expeditious disposal of vacating application, referred hereinabove, providing sufficient opportunities of hearing to both the parties, but without granting any unnecessary adjournment to either of the parties, unless it is extremely unavoidable.

While endeavouring such exercise, the learned court below may take into account the year of institution of suit, and then proceed with the disposal of suit in the manner, as situation of the case would demand, so as to dispense with the justice in a best possible and expeditious manner.

The petitioner is directed to communicate this order to the learned Court below, opposite party and their advocates as well.

With this directions and observations, this revisional application stands disposed of.

Urgent photostat certified copy of this order duly applied for, be given to the parties upon compliance of all requisite formalities.

(Subhasis Dasgupta, J.)