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C.O. 1405 of 2022

**Mrs. Sarita Lakhwani & Anr.
Vs
Mr. Parmanand Lakhwani & Ors.**

Mr. Sayantan Bose,
Ms. Madhurima Das ... For the petitioners.

A direction to secure expeditious disposal of an interlocutory application filed by the petitioners/ plaintiffs under Order 5 Rule 20 of the Code of Civil Procedure, in Misc. Case No. 84 of 2015 arising out of Title Suit No. 44 of 2003 of learned Civil Judge (Junior Division), 1st Court at Barasat, is the ultimate relief sought for in this case.

Admittedly plaintiffs/petitioners filed a suit impleading as many as 7 defendants. It is submitted that all the defendants entered appearance in the suit. Subsequently, the suit was dismissed for default on 12th December, 2011. A restoration application was then filed on 17th November, 2015, registered as Misc. Case, supported by an application for condonation of delay. Since there has been a delay caused to secure appearance or attendance of the opposite parties/defendants, after exhausting available process, an application under Order 5 Rule 20 of C.P.C. was then filed.

The only contention is thus expressed by the

learned advocate for the petitioners is against the delay caused in the disposal of such interlocutory application referred hereinabove.

No other point is raised requiring address by this Court.

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

Service of notice of this application upon opposite parties stands dispensed with.

Accordingly, learned Civil Judge (Junior Division), 1st Court at Barasat, is requested to ensure expeditious disposal of interlocutory application under Order 5 Rule 20 of C.P.C., vide Misc. Case No. 84 of 2014, after adhering to the provisions available under the Code of Civil Procedure, dealing with service of summons upon the defendants, but without granting unnecessary adjournments, unless it is extremely unavoidable.

Petitioners are directed to make communication of this order to the learned advocate for the opposite party as well as learned court below.

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)