

Item No. 207
22.06.2023
Court. No. 19
GB

C.O. 211 of 2023

Smt. Sudipta Ghosh & Anr.
Vs.
Nirmal Kumar Sur & Ors.

Mr. Mukesh Kumar Gupta

...for the Petitioners.

The petitioners are the plaintiffs in Title Suit No.879 of 2012, pending before the learned Judge, XIII Bench of the City Civil Court at Calcutta.

The petitioners submit that two applications, namely, one under Order 1, Rule 10(2) of the Code of Civil Procedure and the other for amendment of the plaint, are pending. It is submitted that defendants who are contesting the suit have filed their written objections to the respective applications.

Having heard the learned advocate for the petitioners and having considered the age of the suit, this Court is of the view that justice would be sub served if both the applications and the suit are disposed of expeditiously.

This Court has neither gone into the merits of the suit nor into the merits of the pending applications. An order of expeditious disposal of any litigation enures to the benefit of all the parties and hence prior service of this revisional application upon the opposite parties is not required. The prayer is innocuous.

Under such circumstances, this Court directs the learned Judge, XIII Bench of the City Civil Court at Calcutta to dispose of the pending applications upon giving an

opportunity to the defendants to contest the same within a period of three months from the next date fixed, without granting unnecessary adjournments to either of the parties. After disposal of the aforementioned application, the learned court shall dispose of the suit within a period of one year. The learned court below shall proceed in accordance with law and independently.

It is submitted that evidence has also been recorded and hence, this Court is of the view that at this mature stage, the suit should proceed urgently.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

Petitioners are directed to serve a copy of the revisional application upon the opposite parties, along with the server copy of this order.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)