

05.07.2023
Court No.19
Item no. 30
CP

C.O. 495 of 2023

Ashoke Dhar
Vs.
Pratul Singha & ors.

Mr. Biswajit Hazra
Mr. Archisman Sain
....for the petitioner.

The petitioner is the plaintiff/appellant in Title Appeal No. 04 of 2021, which is pending before the learned Civil Judge (Senior Division), Kandi, Murshidabad.

The petitioner submits that the appeal has been pending since long and several dates have been fixed for SR & AD.

The prayer of the petitioner is innocuous. Neither party stands to lose if a proceeding is disposed of expeditiously. In fact, such expeditious disposal shall enure to the benefit of the parties and, hence, there is no requirement for service of prior notice upon the opposite parties.

Having considered that the appeal is pending for almost two years and service is not complete, this court directs the learned lower appellate court to take expeditious steps to ensure service upon the defendants. The L.C.R. shall be called for immediately and the learned lower appellate court shall also ensure that the L.C.R. is received within 10

days from the date of communication of this order. Upon completion of the above exercise, Title Appeal No. 04 of 2021 should be disposed of in the next six months.

This court has not expressed any opinion on the merits of the said pending appeal. The learned court shall proceed independently and in accordance with law.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties and/or the learned advocates contesting the matter on behalf of the opposite parties in the learned court below, within a week.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)