

24.07.2023
Sl. No.130(DL)
srm

C.O. No. 795 of 2023

Sri Kartick Sarkar

Versus

Sri Sanat Kumar Bhowmick & Ors.

Mr. Ivan Roy,
Ms. Nirupama Dutta

...for the Petitioner.

The petitioner is the defendant in Title Suit No.95 of 2013, which is pending before the learned Civil Judge (Junior Division), 1st Court, Ranaghat, Nadia. The petitioner prays for expeditious disposal of the said suit.

It is submitted that an application under Order XXVI Rule 9 of the Code of Civil Procedure was filed sometime in 2015, which was disposed of in 2018. The commission has been held, but the report has not yet been filed.

Considering the age of the suit and the submission of the learned Advocate for the petitioner, the Court finds that the prayer for expeditious disposal is reasonable.

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, the revisional application is disposed of with a direction upon the learned court below to ensure that the commissioner's report is filed expeditiously, preferably within 3rd week of August, 2023. Thereafter, the learned court shall proceed in accordance with law and dispose of the suit within a period of six months from the next date fixed, strictly in accordance with law and independently, upon giving opportunity to the parties to contest the suit. Unnecessary adjournments shall not be granted to any of the parties.

This Court has not gone into the merits of the suit.

A copy of the revisional application along with a server copy of this order, be served upon the opposite parties within a week.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)