

12.07.2023
Court No.19
Item no.58
CP

C.O. No. 798 of 2023

Sri Ajit Mondal & anr.

Vs.

Smt. Madhabi Barui (Mandal) & anr.

Mr. Sattwik Bhattacharyya
Mr. Aashutosh Bhattacharya
Mr. Titas Niyogi

...for the Petitioners.

The defendants in partition suit being Title Suit No. 753 of 2020, which is pending before the learned Civil Judge (Senior Division), 9th Court, Alipore prays for expeditious disposal of the suit as also expeditious disposal of the pending application.

It is submitted that when the suit was fixed for peremptory hearing, an application for amendment has been filed, which is yet to be disposed of.

The prayer of the petitioners 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.

The revisional application is disposed of with a direction upon the learned court below to dispose of the pending application within a period of two months from the next date fixed, upon giving the opposite parties adequate opportunity to file a

written objection to the said application, if not already filed. Thereafter the suit shall proceed and be disposed of within a year.

This court has not expressed any opinion on the merits of the application and also on the suit. 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.)