

Item No. 33
05.07.2023
Court. No. 19
GB

C.O. 1048 of 2023

Sri Sachindra Nath Roy
Vs.
Smt. Sushila Agarwalla & Ors.

Mr. Anirban Ghosh

...for the Petitioner.

The petitioner is the plaintiff no.3 in Title Suit No.132 of 2013 which is pending before the learned Civil Judge (Junior Division), 2nd Court at Alipore.

The petitioner submits that an application under Order 7, Rule 11(d) and an application under Section 151 of the Code of Civil Procedure, are pending before the learned court below. It is submitted that the learned court below be directed to dispose of the title suit along with all pending applications. It is also submitted that a learned coordinate Bench had directed expeditious disposal of the suit and the applications, but the same are still pending.

Considering the fact, this Court is of the view that justice would be sub served by directing the learned Civil Judge (Junior Division), 2nd Court at Alipore to dispose of the applications within a period of two months from the next date fixed, without granting unnecessary adjournments to either of the parties. After disposal of the said applications, the learned court below shall proceed with the suit and dispose of the same within a year.

This Court has not expressed any opinion either on the merit of the applications or on the merits of the suit. An

order of expeditious disposal enures to the benefit of all the parties and hence this revisional application need not be served upon the opposite parties before its disposal. The prayer is innocuous.

The learned court below shall proceed in accordance with law and independently.

Accordingly, the revisional application is disposed of.

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

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)