

25.07.2023
Court No. 19
Item No.123
CP

C.O. 1139 of 2023

Sri Amit Das
Vs.
Sri Soumen Das & ors.

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

.....for the petitioner.

The petitioner is the defendant in Title Suit No. 349 of 2017, which is pending before the learned Civil Judge (Senior Division), 7th Court, Alipore.

The petitioner prays for expeditious disposal of an application filed by the plaintiff under Order 39 Rules 1 and 2 of the Code of Civil Procedure along with the objection filed by the defendant. It is submitted that the ad interim order of injunction is being extended from time to time, but the main matter has not been disposed of as yet.

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.

The revisional application is disposed of with a direction upon learned court below to dispose of the

pending application within a period of two months from the next date fixed, upon granting adequate opportunity to the parties to contest the same. Thereafter, the suit shall proceed and be disposed of within a year.

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