

16.06.2023
Court No. 19
Item no.130
CP

C.O. 1150 of 2023

Akbar Sk & ors.

Vs.

The Board of Wakf, West Bengal & ors.

Mr. Syed Shamsul Arefin

... for the Petitioners.

The petitioners pray for expeditious disposal of the application under Section 5 of the Limitation Act, filed in connection with the O.A. No. 24 of 2022. It is submitted that the said application has been pending since September, 2022 and the parties who are contesting the said application entered appearance before the learned tribunal and have been seeking repeated adjournments to file their written objection to the said application.

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 the learned Waqf Tribunal, Calcutta, West Bengal to dispose of the said application under Section 5 of the Limitation Act on its own merits and

pass necessary orders upon hearing all the contesting parties within a month from the next date fixed.

This court has not expressed any opinion on the merits of the said pending application. The learned tribunal shall proceed independently.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties and/or their learned advocates contesting the matter 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.)