

June 5, 2023
Sl. No.7
Court No.19
s.biswas

CO 1153 of 2023

Rajani Poddar and others
vs.
Nishant Khetawat and others

Mr. Chayan Gupta
Mr. Rittick Chowdhury
Mr. Shohom Sanyal

... for the petitioners

The petitioners allege that some interlocutory applications which have been filed by the respective parties in connection with Title Suit No.1577 of 2019, are still pending before the learned Judge, 6th Bench, City Civil Court at Calcutta.

According to the petitioners, the interlocutory applications ought to be disposed of as the same had been pending since long and the petitioners were not responsible for the delay.

It also appears from the records that a Division Bench of this Court, had directed the trial court to hear out the application filed under Order XXXIX Rule 2A of the Code of Civil Procedure and to dispose of the same, expeditiously.

This Court is of the view that the applications which are pending, should be disposed of expeditiously. Unless the said applications are disposed of, the suit cannot proceed.

Under such circumstances, this Court directs the learned Judge-in-Charge, 6th Bench, City Civil Court at Calcutta, to dispose of all the pending

applications, within a period of four months from the date of communication of this order, upon giving adequate opportunity of hearing to all the parties, as it is informed that the 6th Bench of the City Civil Court is vacant since November, 2021.

The order for expeditious disposal is beneficial for all the parties and thus no prior notice is required to be served upon the opposite parties.

The petitioners are directed to serve copies of the applications along with server copies of this order upon the opposite parties, including proforma opposite parties within a week from date.

The petitioners shall be at liberty to pray for expeditious disposal of the suit, before the competent court, once the pending applications are disposed of.

Accordingly, this revisional application is disposed of.

All the parties are directed to act on the basis of server copy of this order.

(Shampa Sarkar, J.)