

05.10.2023
Court No. 19
Item no.105
CP

CO/1159/2023

RANJAN KUMAR ROY
VS
SACHIN KUMAR ROY AND ORS.

Mr. Sujit Bhattacharya

... for the Petitioner.

The petitioner prays for expeditious disposal of the Title Suit No. 1929 of 1998, which is pending before the learned Judge, Bench-II, City Civil Court at Calcutta.

It is submitted that preliminary decree was passed in the suit for partition but the final decree has not yet been passed. An application for substitution under Order 22 Rule 3 is pending.

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. 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 application within one month from the next date fixed. Thereafter, the learned court shall make a sincere endeavour to pass the final decree within six

months from the disposal of the said application. Adequate opportunity shall be granted to the parties to contest the same.

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