

27.06.2023
Sl. No.288(DL)
srm

C.O. No. 1195 of 2023

Madhuri Maiti & Ors.

Versus

Pratima Kar & Ors.

Mr. Bhaskar Seth

...for the Petitioners.

The petitioners are the plaintiffs in Title Suit No.212 of 2017, which is pending before the learned Civil Judge (Junior Division), 2nd Court, Tamluk, District-Purba Medinipur.

Being aggrieved by the refusal to pass an order of injunction by the learned judge, a misc. appeal has been filed being Misc. Appeal No.49 of 2018. The Misc appeal is pending before the learned Additional District Judge, 2nd Court, Tamluk, District-Purba Medinipur. The petitioners pray that the learned lower appellate court be directed to dispose of the misc. appeal expeditiously.

It appears from the order dated February 19, 2022 that the misc. appeal was heard and was awaiting pronouncement of judgment. Thereafter, one of the plaintiffs died and the heirs and legal representatives of the said plaintiff were brought on record.

Under such circumstances, it appears to the Court that now misc. appeal is ready for disposal.

An order of expeditious disposal of any litigation enures to the benefit of all the parties and hence prior service of this revisional application upon the opposite parties is not required. The prayer is innocuous.

Under such circumstances, the revisional application is disposed of with a direction upon the learned court below to dispose of the misc. appeal within a period of two month from the next date fixed, strictly in accordance with law and independently.

This Court has not gone into the merits of the misc. appeal.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties within a week.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)