

27.06.2023
Court No. 19
Item no.289
CP

C.O. 1256 of 2023
With
IA NO: CAN/1/2023 (not in the file)

Sri Nilkamal Saha
Vs.
Sri Ram Dulare Singh & anr.

Ms. Piyali Mitra
....for the petitioner.

The petitioner is the appellant in Title Appeal No. 34 of 2022, which is pending before the learned Judge, Fast Tract Court No. I, Sealdah, South 24 Parganas. It appears that an application under Section 5 of the Limitation Act, for condonation of delay in filing the appeal is yet to be disposed of. It also appears that an application for stay has been filed which is also 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 Judge-in-Charge, Fast Tract Court No. I, Sealdah, to dispose of the said application under Section 5 of the Limitation Act

within a period of two months from the next date fixed, upon allowing the respondents in the appeal to contest the same. If the application under Section 5 is allowed and the appeal is registered, the learned court shall proceed expeditiously with the hearing of the stay application.

This court has not expressed any opinion on the merits of the said pending applications. 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 their learned advocates contesting the matter in the learned court below, within a week.

The revisional application is accordingly disposed of. Connected application, if any, is also disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)