

September 14, 2023
Sl. No.240
Court No.19
s.biswas

CO 1260 of 2023

Brindaban Das Ghosh
vs.
Rabindra Nath Chand and another

Mr. Subhrojyoti Ghosh

... for the petitioner

The petitioner prays for expeditious disposal of the J. Misc. Case No.39 of 2008, which is an application for execution of the judgment and order passed in J. Misc. Case No.38 of 1993. It is submitted that the preemption was allowed and the miscellaneous appeal was filed. The miscellaneous appeal was rejected. Revisional application was filed before the High Court and the same was rejected.

Under such circumstances, this court is of the view that justice would be subserved, if the learned court below is directed to dispose of the said pending J. Misc. Case along with pending application filed by the judgment debtor under Section 47 of the Code of Civil Procedure, on an urgent basis.

This court has neither gone into the merits of the application nor into the merits of the J. Misc. Case. An order of expeditious disposal of any litigation, enures to the benefit of all the parties. Hence, prior service of this revisional application upon the opposite parties, would not be necessary. The prayer is innocuous and very reasonable.

The revisional application is disposed of with a direction upon the learned court below to dispose of the J. Misc. Case No. 39 of 2008 along with the pending application within a period of four months from the next date fixed, without granting unnecessary adjournments to either of the parties and upon granting adequate opportunity to the opposite parties to contest the proceedings. The learned court below shall proceed strictly in accordance with law and independently.

Petitioner is directed to serve a copy of this revisional application along with the server copy of this order upon the opposite parties.

Accordingly, the revisional application is disposed of.

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

(Shampa Sarkar, J.)