

ML 39
06.06.2023
Court. No. 19
GB

C.O. 1328 of 2023

Smt. Paromita Mondal nee Majumder
Vs.
Sanjib Bhattacharya & Ors.

Mr. Rajendra Narayan Dutta,
Mr. Sibasis Ghosh,
Mr. Hare Krishna Halder,
Mr. Arkoday Mukherjee,
Mr. Ankit Dhara

...for the Petitioner.

The petitioner alleges that despite orders having been passed in C.O. No.2853 of 2016 and C.O. No.1958 of 2022, the applications pending before the learned Civil Judge (Junior Division), 1st Court at Barasat in connection with Title Suit No.40 of 2016, have not been disposed of.

It is submitted by the learned advocate for the petitioner, who is the defendant in the suit, that several adjournments had been granted by the learned court below, without any reason.

This Court is of the view that order for expeditious disposal of the pending applications had already been passed earlier. The next date fixed in the suit is July 5, 2023. The Court is of the view that an order for expeditious disposal shall not prejudice any of the parties.

This Court has neither gone into the merits of the claims of the petitioner in the suit nor has the Court gone into the merits of the claim of the petitioner in the pending applications.

The revisional application is accordingly disposed of with a direction upon the learned trial judge to dispose of the pending applications being the application under Order 39, Rule 4 and the application under Order 7, Rule 11, of the Code of civil procedure filed in connection with Title Suit No.40 of 2016, within a period of three months from the next date fixed, without granting unnecessary adjournments to the respective parties. All the parties shall be given adequate opportunity to contest the proceedings. This order shall be treated as peremptory in nature.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties within a week from date. The learned court below shall proceed on the basis of the server copy of this order.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)