

05.09.2023
Sl. No.164(DL)
srm

C.O. No. 1372 of 2023

Smt. Khusi Rani Debnath

Versus

Smt. Anita Saha Chowdhury

Mr. Arijit Sarkar,
Ms. Prajaaini Das

...for the Petitioner.

The petitioner was the defendant in Title Suit No.906 of 2016, which was pending before the learned Civil Judge (Junior Division), 2nd Court at Barasat, North 24-Parganas. The suit was decreed *ex parte*.

The petitioner filed an application being Misc. Case No.30 of 2020 under Order IX Rule 13 of the Code of Civil Procedure for setting aside of the *ex parte* decree.

The petitioner prays for expeditious disposal of the misc. case.

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 party 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. case within a period of four months from the next date fixed, independently and strictly in accordance with law, upon giving opportunity of hearing to the parties to contest the said application. The contesting party shall be given opportunity to file her written objection, if not already filed. Unnecessary adjournments shall not be granted to any of the parties.

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

A copy of the revisional application, along with a server copy of this order, be served upon the opposite party 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.)