

26.06.2023
Sl. No.256(DL)
srm

C.O. No. 1386 of 2023

Pradip Kumar Sau

Versus

Dinesh Samanta

Mr. M.P. Gupta,
Mr. D.K. Saila,
Ms. Antara Panja,
Mr. Atanu Das

...for the Petitioner.

The petitioner is decree-holder/respondent in Title Suit No.182 of 2019. The said appeal is pending before the learned Additional District Judge, Fast Track (1st Court) at Howrah.

It is submitted that the appeal has been kept pending for the last three years and adjournments have been allowed. It is specifically contended that the occupational charges, as directed by the learned lower appellate court, has also not been paid.

Having gone through the order sheet annexed to the revisional application, this Court finds that the appeal has been fixed for arguments for the past several dates and adjournments have been given either at the instance of the respondent or because the business of the learned court below did not permit disposal of the appeal.

Considering the health and age of the petitioner, this Court is of the view that the title appeal should be disposed of expeditiously.

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 title appeal within a period of four months from the next date fixed, strictly in accordance with law and independently, without granting unnecessary adjournments to any of the parties.

This order shall be treated as mandatory, as it appears that on an earlier occasion a similar order of expeditious disposal of the appeal had already been passed by a learned coordinate Bench of this Court.

This Court has not gone into the merits of the suit.

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.)