

Item No.283
20.12.2023
Court. No. 19
GB

C.O. 1403 of 2023

Rina Halder & Ors.
Vs.
Suvra Palit

*Mr. Rajdeep Bhattacharya,
Mr. Debashis Banerjee,
Mr. Arpayan Mukherjee*

...for the Petitioners.

The defendants in Ejectment Suit No.218 of 2010, which is pending before the learned Civil Judge (Junior Division), 2nd Court at Alipore, pray for expeditious disposal of an application for amendment of the written statement.

It appears to this Court that the suit has dragged for a long time. Thus, the prayer for expeditious disposal of the application is reasonable. This Court also opines that the suit itself should be disposed of expeditiously as the landlord had suffered for the past 13 years.

This Court is of the view that the prayer of the petitioners 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 party.

The revisional application is disposed of with a direction upon the learned court below, to dispose of the application within a period of two months from the next date fixed. Adequate opportunity shall be given to the opposite party to file written objection, if not already filed. Thereafter

the suit shall be disposed of expeditiously, preferably within a period of eight months.

This court has not expressed any opinion on the merits of the application. 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 party and/or the learned advocate contesting the matter on behalf of the opposite party in the learned court below.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)