

01.08.2023
Court No. 19
Item No.56
CP

C.O. 1438 of 2023
Sri Buddadev Chatterjee
Vs.
Smt. Dona Dey

Mr. Arif Ali
Mr. Sarban Bhattacharjee
...for the petitioner.

The petitioner is the plaintiff in Title Suit No. 117 of 2015 originally registered as Title Suit No. 20420 of 2011. The petitioner prays for expeditious disposal of the said Title Suit. The said suit is pending before the learned Civil Judge (Senior Division), 5th Court, Alipore. According to the petitioner, the issues have not yet been framed and long dates are being fixed.

The prayer of the petitioner 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 and 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 suit within a period of one year from the date of communication of this order, upon granting adequate opportunity to the parties to contest the same.

The petitioner will be at liberty to file an application upon service of the copy to the opposite party, for pre-ponement of the hearing of the suit.

This court has not expressed any opinion on the merits of the suit. 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, within a week.

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.)