

July 17, 2023
Sl. No.65
Court No.19
s.biswas

CO 1486 of 2023

Smt Mily Roychowdhury
vs.
Smt. Dolly Mukherjee

Mr. Triptimoy Talukder
Mr. Diptomoy Talukder

... for the petitioner

The petitioner is the plaintiff in Title Suit No.60 of 1992, which is pending before the learned Civil Judge (Senior Division), 8th Court, Alipore, South 24 Parganas. It is submitted that the defence of the tenant has been struck off. The tenant has only a limited scope of cross-examining the plaintiff's witnesses and to advance argument in order to demolish the plaint case. The tenant cannot be allowed to adduce evidence or advance arguments on his own case. It is submitted that two applications have also been filed in the suit, by the tenant which were not entertainable in view of the defence being struck off.

The petitioner prays for expeditious of the applications as also the suit, disposal.

Under such circumstances, this court is of the view that justice would be subserved, if the learned court below is directed to dispose of the said pending applications as also the suit, expeditiously. This court has not entered into the veracity of the submissions made.

This court has also not gone into the merits of the applications or into the merits the suit. An order of expeditious disposal of any litigation, enures to the benefit of all the parties. Hence, prior service of this revisional application upon the opposite party, would not be necessary. The prayer is innocuous.

The revisional application is disposed of with a direction upon the learned court below to dispose of the pending applications within a period of two months from the next date fixed, strictly in accordance with law and thereafter the learned court below will make an endeavour to dispose of the suit within four months after disposal of the applications, without granting unnecessary adjournments to either of the parties. The learned court below shall proceed strictly in accordance with law and independently.

Petitioner is directed to serve a copy of this revisional application along with the server copy of this order upon the opposite party.

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)