

Item No. 50
13.07.2023
Court. No. 19
GB

C.O. 1488 of 2023

Sri Sujit Das
Vs.
Sri Sovan Das & Anr.

Mr. Rupayan Deb,
Ms. Priya Nandy

...for the Petitioner.

The appellant in Misc. Appeal No.82 of 2019, which is pending before the learned Additional District Judge, 5th Court at Alipore, prays for expeditious disposal of the misc. appeal.

It is submitted that an earlier order was passed by this Court on April 8, 2022. The learned lower appellate court was directed to dispose of the misc. appeal expeditiously. It is submitted that despite such order having been passed, the misc. appeal is still pending.

Considering the order passed earlier and the long pendency of the misc. appeal, this Court is of the view that the prayer of the petitioner is reasonable.

This Court has not expressed any opinion on the merits of the appeal. An order of expeditious disposal enures to the benefit of all the parties and hence this revisional application need not be served upon the opposite parties before its disposal. The prayer is innocuous.

Under such circumstances, this Court directs the learned Additional District Judge, 5th Court at Alipore to dispose of the misc. appeal, which has been fixed for ex parte

hearing within a period of two months from the next date fixed, upon giving adequate opportunity to the opposite parties to contest the misc. appeal.

The learned court below shall proceed in accordance with law and independently, without granting unnecessary adjournments to either of the parties.

Accordingly, the revisional application is disposed of.

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

However, there will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)