

Item No. 59
01.08.2023
Court. No. 19
GB

C.O. 1585 of 2023

Tridip Das
Vs.
Tapas Bilas & Ors.

Ms. Sohini Bhattacharyya,
Ms. Ruchita Sharma

...for the Petitioner.

The petitioner is the defendant no.10 in Title Suit No.159 of 1981, which is pending before the learned Judge, 13th Bench, City Civil Court at Calcutta. The said suit is a suit for partition.

It is submitted that preliminary decree was passed sometime in 2007, but the final decree has not yet been passed. It is further submitted that an application under Order 22, Rule 4 of the Code of Civil Procedure is pending.

Considering the age of the suit, this Court is of the view that the prayer of the petitioner is reasonable.

This Court has neither expressed any opinion on the merits of the suit nor on the merits of the application. 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 Judge, 13th Bench, City Civil Court at Calcutta to dispose of the application within a month from the next date fixed, upon giving adequate opportunity to the opposite

parties to contest the same. On the outcome of the said application, steps shall be taken in accordance with law. Thereafter, the suit shall proceed. The entire suit shall be disposed of within a period of six months from the date of disposal of the substitution application and the final decree shall be pronounced.

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 a 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.)