

Item No. 34
05.07.2023
Court. No. 19
GB

C.O. 1622 of 2023

Smt. Resha Agarwala & Ors.

Vs.

Sri Ritwik Das @ Sri Palton Das & Ors.

*Mr. Shehnaz Tareq Mina,
Mr. P. Sardar*

...for the Petitioners.

The petitioners pray for expeditious disposal of Title Suit No.71 of 1959 pending before the learned Civil Judge (Senior Division), 3rd Court at Alipore. The suit is for partition.

It is submitted that three applications are pending, namely, one application for modification of the preliminary decree and two applications under Section 151 of the Code of Civil Procedure.

Considering the age of the suit, this Court is of the view that the prayer of the petitioners is completely justified. It appears from the order sheet that all the three applications have been posted for hearing on July 24, 2023.

This Court has not expressed any opinion either on the merit of the applications or on the merits of the suit. 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 Civil Judge (Senior Division), 3rd Court at Alipore to dispose of the applications within a period of two months from the next date fixed, without granting unnecessary adjournments to either of the parties. After disposal of the said applications, the learned court below shall proceed with the suit and dispose of the same within a period of six months positively.

The learned court below shall proceed in accordance with law and independently.

Accordingly, the revisional application is disposed of.

Petitioners are 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.)