

07.06.2023
Court No. 19
Item No.17
CP

C.O. 1663 of 2023

Smt. Dipti Basu & anr.
Vs.
Sri Utpal Sarkar & ors.

Mr. T.K. Mahapatra
Ms. Arpita Pradhan

....for the petitioners.

The petitioners are the plaintiffs in Title Suit No. 109 of 2018 which is pending before the learned Civil Judge (Senior Division) Haldia. The petitioners pray that the suit may be directed to be expedited in view of the fact that the same is dragging since long and repeated dates have been fixed for S/R & A/D in respect of the defendant no. 3. The petitioners submit that the defendant no. 3 had initially appeared and, thereafter stopped appearing in the suit. The learned court below directed issuance of fresh notice upon the defendant no. 3 and since then the matter has been dragging.

Attention of the court is drawn to an order passed by a Coordinate Bench in C.O. 1164 of 2021 by which this court had requested the learned Civil Judge (Senior Division), Haldia, Purba Medinipur to dispose of the Title Suit expeditiously, but positively within one year from the date of communication of the aforementioned order.

Having gone through the order sheet and the records, this court is of the view that the hearing of the suit should be expedited. Service of notice upon the defendant no. 3 by the plaintiffs by registered post and courier shall be accepted, instead of fixing dates for S/R & A/D. Thereafter, the suit shall proceed and be disposed of within a year from the date of communication of this order, without granting any unnecessary adjournments.

As the prayer of the petitioner is innocuous and an order for expeditious disposal of the partition suit shall enure to the benefit of all the parties, there is no requirement for prior service of notice upon the opposite parties.

This court has not gone into the merits of the pending suit and has not decided the rights of the parties. The learned court below shall act and proceed independently and strictly in accordance with law.

Let a copy of the revisional application along with the server copy of this order be served upon the learned advocates for the opposite parties in the court below, within a week.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)