

Item No. 48
21.06.2023
Court. No. 19
GB

C.O. 1762 of 2023

Smt. Sheuli Mazumdar (De)
Vs.
Sila Majumder & Anr.

Mr. A. Majumder,
Mr. J. Nandi

...for the Petitioner.

Mr. Probal Kr. Mukherjee,
Ms. Shebatee Datta

...for the Opposite Parties.

The petitioner submits that although the shares are admitted and arguments have been advanced by the parties in the partition suit, namely, Title Suit No.159 of 2015, pending before the learned Civil Judge (Senior Division), 5th Court at Alipore, the learned court below has not yet passed the preliminary decree. Another order passed by a coordinate Bench of this Court has been referred to where the learned court below was directed to pass the preliminary decree, expeditiously.

This Court has not gone into the merits of the claim and counter claims of the parties. An order of expeditious disposal of any litigation, enures to the benefit of all the parties and hence prior service of this revisional application upon the opposite parties, is not required. The prayer is innocuous.

Under such circumstances, this Court directs the learned Civil Judge (Senior Division), 5th Court at Alipore to pass the preliminary decree as the arguments are complete. The learned court below shall decide the matter in

accordance with law and independently, within a period of two month from the next date fixed, without granting unnecessary adjournments to either of the parties. Thereafter, steps shall be taken to pass the final decree within the following six months.

Accordingly, the revisional application is disposed of.

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.)