

26.07.2023

**CO 1789 of 2023**

**Konsortia Construction Private Limited  
Vs.  
National Insurance Company Limited & Anr.**

Mr. Chayan Gupta  
Mr. Rittick Chowdhury

... .. for the petitioner

Leave is granted to the petitioner to correct the cause-title.

The petitioner is the subsequent purchaser of the suit property, who has filed an application for substitution under Order 20 Rule 10. The said application is pending before the learned Judge, 6<sup>th</sup> Bench, Presidency Small Causes Court at Calcutta in Ejectment Suit No.445 of 2012.

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 ensures 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 Court below to dispose of the application within a month from the next date fixed, upon giving adequate opportunity to the opposite parties to content the proceedings by filing written objection, if necessary. Upon

disposal of the aforementioned application, the suit shall be disposed of within the following year.

The learned Court below shall proceed in accordance with law and independently, without granting unnecessary adjournments to either of the parties. This court does not make any observation on the maintainability of the application filed by the petitioner. Such issue will be decide by the learned court below.

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.

Parties to act on a server copy of this order.

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

**(Shampa Sarkar, J.)**