

22.06.2023
Court No. 19
Item no.64
CP

C.O. 1801 of 2023

Smt. Shefali Dey & ors.
Vs.
Sri Gour Sundar Dey & anr.

Ms. Setu Das Roy

....for the petitioners.

The petitioners are the plaintiffs in Title Suit No. 478 of 2020 which is pending before the learned Civil Judge (Senior Division), 1st Court, Barasat. The petitioners pray for expeditious disposal of the said suit. It is submitted that some applications are also pending.

Records reveal that an application for injunction and an application under Order 32 Rule 5 of the Code of Civil Procedure, are pending.

The prayer of the petitioners is innocuous. Neither party stands to lose if a proceeding is disposed of expeditiously. In fact, such expeditious disposal shall enure to the benefit of the parties and, hence, there is no requirement for service of prior notice upon the opposite parties.

The revisional application is disposed of with a direction upon the learned court below, to dispose of the pending applications within three months from

the next date fixed, upon granting opportunity to the defendants to contest the said applications by filing written objections and by advancing their arguments and, thereafter, the suit shall be disposed of, preferably within the following year.

This court has neither expressed any opinion on the merits of the said pending applications nor on the suit. The learned court below shall proceed independently.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties and/or their learned advocates contesting the matter in the learned court below, within a week.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)