

Item No. 36
05.07.2023
Court. No. 19
GB

C.O. 1805 of 2023

Azrail Sk (since deceased) being represented by
his legal heirs Sargis Bibi & Ors.
Vs.
Alauddin Sk. & Ors.

Mr. Jayanta Samanta,
Md. Ashraful Huq,
Mr. Rajdeep Adhikari

...for the Petitioners.

The petitioners are some of the defendants in Partition Suit No.335 of 2014, which is pending before the learned Civil Judge (Senior Division), Berhampore, Murshidabad.

The petitioners submit that no applications are pending and the suit may be disposed of expeditiously.

It appears that the service of summons upon some of the defendants are not complete. Fresh requisites were directed to be deposited in respect of defendant nos.5, 6, 7 and 9.

Considering the age of the suit and the long pendency thereof, this Court directs the learned Civil Judge (Senior Division), Berhampore, Murshidabad to ensure proper service upon the defendant nos.5, 6, 7 and 9 within a short period and if such service is not possible, recourse be taken to the other provisions of the Code of Civil Procedure to ensure that these defendants are put on notice. Thereafter the suit shall proceed in accordance with law and disposed of within the next six months, without granting unnecessary

adjournments to either of the parties. It also appears that the suit is proceeding ex parte against the defendant nos.8, 10 to 15 and 22 to 24.

This Court has not expressed any opinion 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.

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.)