

July 5, 2023
Sl. No.38
Court No.19
s.biswas

CO 1808 of 2023

Azizul Molla
vs.
Hajna Bibi and others

Md. Zeeshanuz Zaman

... for the petitioner

The petitioner is the defendant no.1 in the Title Suit No.261 of 2022. He prays for expeditious disposal of the suit, which is pending before the learned Civil Judge (Junior Division), 1st Court, Baruipur, South 24 Parganas. It is submitted that an application filed under Order 7 Rule 11 of the Code of Civil Procedure is also pending for final disposal. It is further submitted that the plaintiff had taken multiple adjournments and on the last occasion, cost was also imposed.

Under such circumstances, this court is of the view that that justice would be subserved, if the learned court below is directed to dispose of the said title suit along with the application, expeditiously.

This court has neither gone into the merits of the application nor gone into the merits of the suit. An order of expeditious disposal of any litigation, enures to the benefit of all the parties. Hence, prior service of this revisional application upon the opposite parties, would not be necessary. The prayer is innocuous.

The revisional application is disposed of with a direction upon the learned court below to dispose of the pending application within a period of two months from the next date fixed and thereafter the learned court below shall make an endeavour to dispose of the suit expeditiously, preferably within a period of a year following the disposal of the application, without granting unnecessary adjournments to either of the parties and upon granting adequate opportunity to the opposite parties to contest the proceedings. The learned court below shall proceed strictly in accordance with law and independently.

Petitioner is directed to serve a copy of this revisional application along with the server copy of this order upon the opposite parties.

Accordingly, the revisional application is disposed of.

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

(Shampa Sarkar, J.)