

July 5, 2023
Sl. No.37
Court No.19
s.biswas

CO 1807 of 2023

*Azrail Sk (since deceased) represented by his legal heirs
and others*

vs.

Alauddin Sk and others

Mr. Jayanta Samanta

Md. Ashraful Huq

Mr. Rajdeep Adhikari

... for the petitioners

The petitioners are the plaintiffs in the Title Suit No.31 of 2015, pray for expeditious disposal of the suit, which is pending before the learned Civil Judge (Junior Division), 1st Court, Berhampore, Murshidabad. It is submitted that the said suit is for declaration and injunction. It is also submitted that the application for injunction is pending for final disposal and adjournments have been granted from time to time.

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 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 injunction application within three 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.

Petitioners are 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.)