

July 5, 2023
Sl. No.39
Court No.19
s.biswas

CO 1809 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 Civil Misc. Case No.11 of 2016, pray for expeditious disposal of the misc. case, which is pending before the learned Civil Judge (Junior Division), 1st Court, Berhampore, Murshidabad.

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 misc. case as also the suit, expeditiously.

This court has neither gone into the merits of the misc. case 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.

This court finds that service in respect of the misc. case as also the title suit is not complete.

The revisional application is disposed of with a direction upon the learned Civil Judge (Junior Division), 1st Court, Berhampore, Murshidaad, to

ensure that expeditious steps are taken for service upon the defendants with regard to pending misc. case as also the suit and thereafter proceed to dispose of the misc. case within a period of three months from the date of communication of this order. The learned court below shall then, make an endeavour to dispose of the suit expeditiously preferably within a period of a year following the disposal of the misc. case, 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.)