

Item No. 60
01.08.2023
Court. No. 19
GB

C.O. 1890 of 2023

Sri Pranab Kumar Naskar & Anr.
Vs.
Sri Gautam Naskar & Ors.

Ms. Pritha Bhaumik

...for the Petitioners.

The plaintiffs in Title Suit No.1598 of 2011, which is pending before the learned Civil Judge (Senior Division), 3rd Court at Alipore, District – 24 Parganas (South), prays for expeditious disposal of the said suit.

According to the plaintiffs, the suit can now be taken as the order by which the proceedings in the suit had been stayed, has now become infructuous with the disposal of the Title Appeal No.14 of 2011. The title Appeal had been dismissed on contest. The learned court below recorded that without verifying the certified copy of the order passed in the title appeal, the suit could not be taken up. It is submitted that the certified copy of the title appeal has also been filed.

Under such circumstances, if the court finds that there is no other impediment on the part of the court to continue with the title suit, the suit shall be disposed of expeditiously.

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.

Under such circumstances, this Court directs the learned Civil Judge (Senior Division), 3rd Court at Alipore, District – 24 Parganas (South) to dispose of the suit within a period of six months from the next date fixed.

The learned court below shall proceed in accordance with law and independently, without granting unnecessary adjournments to either of the parties.

Accordingly, the revisional application is disposed of.

Petitioners are directed to serve a copy of the revisional application upon the opposite parties, along with a 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.)