

Item No. 51
13.07.2023
Court. No. 19
GB

C.O. 1923 of 2023

Tapan Kanti Guha
Vs.
Tanmay Guha & Ors.

Mr. Avirup Chatterjee

...for the Petitioner.

The petitioner who is a septuagenarian and the defendant no.1 in a partition suit, which is pending before the learned Civil Judge (Senior Division), 5th Court at Alipore, prays for expeditious disposal of the Title Suit No.315 of 2018.

It is submitted that an application under Order 39, Rule 7 of the Code of Civil Procedure is pending disposal, along with the main suit.

Considering the age of the suit, this Court is of the view that the prayer of the petitioner is reasonable.

This Court has neither expressed any opinion on the merits of the suit nor on the merits of the application. 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), 5th Court at Alipore to dispose of the application within a period of two months from the next date fixed, upon allowing the contesting opposite parties an opportunity to file their written

objections, if not already filed. Thereafter, the learned court below shall proceed with the hearing of the suit and pass a preliminary decree within a year from disposal of the applicant.

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.

Petitioner is 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.)