

22.06.2023
Court No. 19
Item no.213
CP

C.O. 1934 of 2023

Kaniska Roy & anr.
Vs.
Probodh Chandra Roy & ors.

Mr. Kaustav Bagchi
Mr. Debayan Ghosh
Ms. Priti Kar

....for the petitioners.

The petitioners pray for expeditious disposal of the Title Suit No. 225 of 2020, pending before the learned Civil Judge (Junior Division), 2nd Court, at Barrackpore. The petitioners are the plaintiffs in the said suit.

Records reveal that the suit has been continuously being placed for SR & AD. Petitioners may be directed to serve notice upon the defendants in the suit and if such service is not complete then the petitioners may pray for substituted service. Such substituted service shall be allowed.

Thereafter the learned court below shall proceed with the suit and dispose of the same within six months from the date when the substituted service is effected.

It appears to the court that the children of the missing father are awaiting an order declaring the death, in terms of the Indian Evidence Act and the said children have been facing unnecessary

harassment and obstruction at every level due, to non-availability of such certificate.

The prayer of the petitioners is innocuous. Neither party stands to lose if a proceeding is disposed of expeditiously. In fact, such expeditious disposal shall enure to the benefit of the parties and, hence, there is no requirement for service of prior notice upon the opposite parties.

The revisional application is disposed of with a direction upon the learned court below, to dispose of the said suit within six months upon being satisfied with the service upon the defendants either through the registered post or by substituted service, within six months thereafter.

This court has not expressed any opinion on the merits of the suit. The learned court below shall proceed independently.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)