

03.07.2023
Court No.19
Item no.37
CP

C.O. 1955 of 2023

Smt. Shila Mukherjee & ors.
Vs.
Smt. Anjali Banerjee & ors.

Mr. Subhendu Bandyopadhyay
Mr. Arindam Mitra
....for the petitioners.

The petitioners are the decree holders. Title Suit No. 70 of 1981 was decreed in favour of the petitioners on May 27, 2010 by the learned Civil Judge (Junior Division), 2nd Court, Serampore. The petitioners got the decree for eviction of a licensee and recovery of khas possession.

Challenging the said order a title appeal being Title Appeal No. 206 of 2010 was preferred by the defendants. The title appeal is pending. The petitioners filed Title Execution Case No. 14 of 2010. The learned District Judge, Hooghly while admitting the appeal, had passed an interim order staying the execution. The title appeal is pending before the learned lower appellate court for the past 13 years.

In my opinion, there has been inordinate delay in disposal of the appeal. It appears that the said appeal has been transferred before the learned Additional District Judge, 2nd Court at Hooghly.

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 pending Title Appeal within a period of six months from the next date fixed, without granting unnecessary adjournments.

This court has not expressed any opinion on the merits of the pending Title Appeal. The learned court shall proceed independently and in accordance with law.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties and/or the learned advocates contesting the matter on behalf of the opposite parties in the learned court below, within a week.

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.)