

21.09.2023
Court No. 19
Item no.202
CP

CO/1987/2023

SOMALI SARKAR AND ANR
VS
MALIKA KAPOOR NEE SARKAR

Mr. S. Dasgupta
Ms. P. Bandyopadhyay
Mr. S. Mukherji
Ms D. Basu
Mr. Rik Mukherji

.....for the petitioner.

The petitioners are the plaintiffs in Title Suit No. 632 of 2019, which is pending before the learned Civil Judge (Senior Division) 5th Court at Alipore. They pray for expeditious disposal of an application under Order 6 Rule 17 of the Code of Civil Procedure. According to the plaintiffs the said application has been pending since long.

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. Hence, there is no requirement for service of prior notice upon the opposite party.

The revisional application is disposed of with a direction upon the learned court below to dispose of the application preferably within three months from the next date fixed. Adequate opportunity shall be granted to the parties to contest the same. If the presiding officer is not available, the learned Judge-

in-charge is requested to dispose of the said application preferably within the time frame mentioned hereinabove.

This court has not expressed any opinion on the merits of the application. 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 party and/or the learned advocate contesting the matter on behalf of the opposite party 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.)