

27.07.2023
Sl. No.139(DL)
srm

C.O. No. 2011 of 2023

Debajyoti Kar

Versus

Sukla Kar & Ors.

Mr. Subhajit Karmakar

...for the Petitioner.

The petitioner is the defendant in Title Suit No.48 of 2016, which is pending before the learned Civil Judge (Senior Division), 5th Court at Alipore, South 24-Parganas. The petitioner prays for expeditious disposal of the said suit along with the pending application.

It is submitted that the application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, is still pending disposal.

An order of expeditious disposal of any litigation enures to the benefit of all the parties and hence prior service of this revisional application upon the opposite parties is not required. The prayer is innocuous.

Under such circumstances, the revisional application is disposed of with a direction upon the learned court below to dispose of the application within a period of two months from the next date fixed, independently and strictly in accordance with law, upon granting adequate opportunity to the

respective parties to contest the application. Thereafter, the court shall proceed with the hearing of the suit and dispose of the same within a period of one year from the date of disposal of the applications. Unnecessary adjournments shall not be granted to any of the parties.

This Court has neither gone into the merits of the suit nor into the merits of application.

A copy of the revisional application, along with a server copy of this order, be served upon the opposite parties within a week.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)