

05.07.2023
Sl. No.42(DL)
srm

C.O. No. 2017 of 2023
Sk. Kasimuddin & Ors.
Versus
Saktipada Mukhopadhyay & Ors.

Mr. Sukanta Das

...for the Petitioners.

The petitioners are the plaintiffs in Title Suit No.02 of 2002. An *ex parte* decree was passed in favour of the petitioners. An application for setting aside the *ex parte* decree was filed by the defendants. The said application was dismissed for default. Thereafter, an application for restoration of the said application was filed under Order IX Rule 9 of the Code of Civil Procedure, which has been registered as J. Misc. Case No.16 of 2014. During the pendency of the application for restoration, one Sk. Akbar Ali, opposite party therein, died on January 20, 2020. As appropriate steps had not been taken J. Misc. Case No.16 of 2014 abated against the said opposite party.

The defendant filed an application under Order XXII Rule 9 of the Code of Civil Procedure. The said application was registered as J.Misc. Case No.102 of 2022. The said J.Misc.

Case No.102 of 2022 is pending. The petitioners pray for expeditious disposal of the same.

The prayer of the petitioners is justified in view of the fact that the decree-holders are not being able to enjoy the result of such decree in view of the pendency of the application.

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 Civil Judge (Junior Division), 2nd Court, Paschim Medinipur to dispose of the J.Misc. Case No.102 of 2022 within a period of one month from the next date fixed, strictly in accordance with law and independently. Unnecessary adjournments shall not be granted to any of the parties.

This Court has not gone into the merits of the 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.)