

31.07.2023
Court No. 19
Item No.46
CP

C.O. 2029 of 2023

Bharati Biswas

Vs.

Sri Anupam Biswas

Ms. S. Biswas

Ms. Debapriya Gupta

...for the Petitioner.

The petitioner, who claims to be the executor of the will, prays for expeditious disposal of O.S. No. 48 of 2022, which is pending before the learned Additional District Judge, Fast Track, 2nd Court at Barasat.

It is submitted that the defendant has been praying for adjournments on a regular basis.

The prayer of the petitioner 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.

Considering that the application for probate was filed sometime in 2020 and the suit was registered after the application became contentious, as also the age of the petitioner, who is an octogenarian, the revisional application is disposed of with a direction upon learned court below to dispose

of the suit within a period of one year from the next date fixed, upon granting adequate opportunity to the parties to contest the same.

This court has not expressed any opinion on the merits of the suit. 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 advocates 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.)