

Item No. 127
25.07.2023
Court. No. 19
GB

C.O. 2066 of 2023

Sri Rajendra Prasad Khaitan & Ors.
Vs.
Sri Surendra Kumar Khaitan & Ors.

Mr. S. Sarkar,
Mr. Vidya Bhusan Upadhyay

...for the Petitioners.

The petitioners are some of the defendants in Title Suit No.105 of 2014, which is pending before the learned Civil Judge (Senior Division), 2nd Court at Asansol.

It is submitted that although a partition suit was filed in 1996, which was subsequently renumbered, the suit has not progressed much. Issues were framed on December 14, 2012. It is submitted that several applications have been filed by the parties which are yet to be disposed of.

Considering the age of the suit, this Court is of the view that the prayer of the petitioners is reasonable.

This Court has neither expressed any opinion on the merits of the suit nor on the merits of the applications. An order of expeditious disposal enures to the benefit of all the parties and hence this revisional application need not be served upon the opposite parties, before its disposal. The prayer is innocuous.

Under such circumstances, this Court directs the learned Civil Judge (Senior Division), 2nd Court at Asansol to dispose of the applications within a period of six months from the next date fixed, upon giving adequate opportunity

to the opposite parties to contest the same by filing their written objection, if not already filed. Upon disposal of the applications, the learned court shall endeavour to pronounce the preliminary decree within a period of six months from such disposal. Thereafter, the entire suit shall be disposed of within the following year, after passing the preliminary decree.

The learned court below shall proceed in accordance with law and independently, without granting unnecessary adjournments to either of the parties.

Accordingly, the revisional application is disposed of.

Petitioners are directed to serve a copy of the revisional application upon the opposite parties, along with the server copy of this order.

However, there will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)