

19.07.2023
Court No.19
Item no.88
CP

C.O. No. 2106 of 2023

Debasish Ghosh

Vs.

Papiya Ghosh & ors.

Mr. Uttiya Ray
Mr. Arnab Mandal

...for the Petitioner.

The petitioner is the defendant in Title Suit No. 117 of 2012, which is pending before the learned Civil Judge (Senior Division), 2nd Court at Howrah.

It is submitted that few applications are pending and the order allowing inventory by way of commission was also not executed till now. It is further prayed that the suit must also be disposed of within a reasonable time.

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 and hence, there is no requirement for service of prior notice upon the opposite parties.

The revisional application is disposed of with a direction upon the learned court below to dispose of the pending applications and ensure the compliance of the order allowing inventory commission, within a period of six months from the next date fixed, upon granting adequate opportunity to the parties to

contest the same. Thereafter, the suit shall proceed and be disposed of within a year from the disposal of the applications.

This court has not expressed any opinion on the merits of the pending applications and also 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 parties and/or the learned advocates contesting the matter on behalf of the opposite parties 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.)