

07.07.2023
Court No. 19
Item no.27
CP

C.O. No. 2134 of 2023
Amiya Chorone Roquittee
also known as Amiya Charan Rakshit
Vs.
Raja K. Vora

Mr. Siddhartha Banerjee
Mr. Meghnad Dutta
Ms. Shreya Choudhary
Mr. Srijit Halder

...for the Petitioners.

The petitioner is the plaintiff in Title Suit No. 89 of 2018, which is pending before the learned Judge, 2nd Bench, City Civil Court at Calcutta. The petitioner has filed an application under Order 12 Rule 6 of the Code of Civil Procedure. It is submitted that the said application is yet to be disposed of.

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 party.

It appears that more than six months have passed, since the application is pending. The revisional application is disposed of with a direction upon the learned court below to dispose of the pending application within a period of two months

from the next date fixed, upon giving the opposite party adequate opportunity to contest the same.

This court has not expressed any opinion on the merits of the said application. 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.)