

31.07.2023
Court No. 19
Item 47 & 48
CP

C.O. 2141 of 2023

Panihati Unnoyan Trust

Vs.

Sri Ranjit Kumar Roy & ors.

With

C.O. 2142 of 2023

Panihati Unnoyan Trust

Vs.

Sri Ranjit Kumar Roy & ors.

Mr. Srijib Chakraborty

Mr. S. Nandy

Mr. Anand Jha

...for the Petitioner.

In both these revisional applications, the plaintiff has asked for expeditious disposal of Title Suit No. 258 of 2015, which is pending before the Learned Civil Judge, (Junior Division), 2nd Court at Barrackpore.

It is submitted that an application under Section 151 of the Code of Civil Procedure, filed by the defendants is pending disposal. It is further stated that the suit has been inordinately delayed for no fault of the plaintiff.

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 parties.

The revisional application is disposed of with a direction upon learned court below to dispose of the application under Section 151 within a month from the next date fixed, upon granting adequate opportunity to the parties to contest the same. The Misc. Case No. 14 of 2016 can continue parallelly with the hearing of the suit and the Misc. Case shall be disposed of within six months from the next date fixed. Thereafter, the suit shall be disposed of within a year.

This court has not expressed any opinion on the merits of the applications, as also 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 applications are 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.)