

11.07.2023
Sl. No.59(DL)
srm

C.O. No. 2170 of 2023
Bhabadeb Garai & Anr.
Versus
Pushpa Devi Bothra & Ors.

Mrs. Sohini Chakrabarty,
Ms. Prajaaini Das

...for the Petitioners.

The petitioners are the defendant Nos.10 and 11 in Title Suit No.19 of 2020, which is pending before the learned Civil Judge (Senior Division), 2nd Court at Rampurhat, District-Birbhum.

The petitioners submit that two applications, one filed under Section 151 of the Code of Civil Procedure dated September 30, 2021 for leave to construct on the suit property and another dated September 3, 2022, both filed in connection with Title Suit No.19 of 2020 are pending before the learned court below. The petitioners pray for expeditious disposal of the two applications and the suit, which are pending before the learned court below.

Considering the age of the applications and the fact that several chances had been given to the opposite party Nos.1, 2 and 3 to file written objection to the pending applications, but objections have not yet been filed, this Court is of the view that the applications should be disposed of expeditiously upon

granting the last opportunity to the plaintiffs to file their objections.

An order of expeditious disposal of any litigation enures to the benefit of all the parties and hence prior service of this revisional application upon the opposite parties, is not required. The prayer is innocuous.

Under such circumstances, the revisional application is disposed of with a direction upon the learned court below to dispose of the pending applications within a period of three months from the next date fixed, strictly in accordance with law and independently, upon allowing one last opportunity to the plaintiffs to contest the applications by filing proper objections. Unnecessary adjournments shall not be granted to any of the parties.

This Court has not gone into the merits of the applications.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties within a week.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)