

July 13, 2023
Sl. No.56
Court No.19
s.biswas

CO 2203 of 2023

Sk. Nurul Islam

vs.

Mojarul Haque Molla and others

Mr. Tanmoy Mukherjee

Mr. Souvik Das

Mr. Soumava Santra

... for the petitioner

The petitioner was the defendant in the Title Suit No.154 of 2011. The suit was dismissed against the opposite parties and the counter-claim of the petitioner was partially decreed. The opposite parties filed Title Appeal No.05 of 2015. The hearing of the title appeal was completed almost two years ago, but it is alleged that the presiding officer retired without delivering the judgment. The Title Appeal No.05 of 2015 is pending before the learned Additional District Judge, Fast Track, 3rd Court, Howrah.

An application to adduce additional evidence has been filed before the learned appellate court after the hearing was completed in the appeal, it is alleged. Objection thereof has also been filed by the petitioner. It is submitted that the said application is yet to be disposed of. The petitioner prays for expeditious disposal of the said application.

Under such circumstances, this court is of the view that that justice would be subserved, if the learned court below is directed to dispose of the said application, expeditiously.

This court has not gone into the merits of the application. An order of expeditious disposal of any litigation, enures to the benefit of all the parties. Hence, prior service of this revisional application upon the opposite parties would not be necessary. The prayer is innocuous.

Considering the above-mentioned fact, this court is of the view that the prayer of the petitioner is reasonable. The revisional application is disposed of with a direction upon the learned court below to dispose of the pending application within two weeks from the next date fixed and depending upon consequence of such application, the learned court below will make an endeavour to dispose of the appeal within next three months, without granting unnecessary adjournments to either of the parties. The learned court below shall proceed strictly in accordance with law and independently.

Petitioner is directed to serve a copy of this revisional application along with the server copy of this order upon the opposite parties.

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)