

24.07.2023
Sl. No.133(DL)
srm

C.O. No. 2206 of 2023
Sri Amritalal Pyne
Versus
Raj Builders

Mr. Subir Banerjee,
Mr. D. Nandi,
Mr. Prashant Pathak

...for the Petitioner.

The petitioner is the defendant in Title Suit No.444 of 2021, which is pending before the learned Civil Judge (Senior Division), at Alipore, South 24-Parganas.

The petitioner submits that two applications are pending. One of such application is under Order 39 Rules 1 and 2 of the Code of Civil Procedure filed by the plaintiff/opposite party and the other is an application under Order 39 Rule 4 of the Code of Civil Procedure filed by the defendant.

It is submitted that the ad interim order of injunction has been extended from time to time.

The petitioner prays for expeditious disposal of the applications as also the suit.

Considering the above submissions, this Court finds that the prayer for expeditious disposal of the applications as also the suit is reasonable.

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 party 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 applications within a period of two months from the next date fixed, strictly in accordance with law and independently, upon giving opportunity to the parties to contest the applications and to file written objections, if not already filed. Thereafter, the court shall proceed with the hearing of the suit and dispose of the same within a period of one year from the date of disposal of the applications. Unnecessary adjournments shall not be granted to any of the parties.

This Court has neither gone into the merits of the suit nor into the merits of applications.

A copy of the revisional application along with a server copy of this order, be served upon the opposite party 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.)