

15.09.2023
Court No. 19
Item no.184
CP

C.O. 2221 of 2023

Bimalendu Biswas
Vs.
Amalendu Biswas

Mr. Somnath Ghoshal
Mr. Satyajit Senapati
Mr. Subha Senapati

.....for the petitioner.

The petitioner prays for expeditious disposal of an application under Order 9 Rule 9 of the Code of Civil Procedure filed in connection with Title Suit No. 20 of 2018, which is pending before the learned Civil Judge (Senior Division) 2nd Court at Barasat.

It is submitted that the said application has been pending since March, 2021. It is also submitted that despite there being an order of this court on an earlier occasion, 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.

The revisional application is disposed of with a direction upon the learned court below to dispose of the application, within one month from the next date

fixed. Adequate opportunity shall be granted to the parties to contest the same.

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