

02.08.2023
Court No. 19
Item No.83
CP

C.O. 2232 of 2023
Ohab Mondal @ Molla & ors.
Vs.
Aharjan Bibi & ors.

Md. Younush Mondal
...for the petitioners.

The petitioners are the plaintiffs in Title Suit No. 1059 of 2018, which is pending before the learned Civil Judge (Senior Division), 7th Court, Alipore.

The petitioners pray for expeditious disposal of the said suit and also the application filed under Section 151 of the Code of Civil Procedure. The plaintiff made an interlocutory prayer to allow them to cultivate on the said land, during pendency of the suit.

The prayer of the petitioners 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 parties.

The revisional application is disposed of with a direction upon the learned court below to dispose of the said application within a period of two months from the next date fixed, upon giving the opposite

parties an opportunity to file their written objection, if not already filed. Thereafter, the suit shall proceed and be disposed of within a year.

This court has not expressed any opinion on the merits of the pending application and also on 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 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.)