

19.7.2023
ct. 236
sk,sl. 10

C.O. 1713 of 2014

In the matter of : Pradip Malo

None is appearing on behalf of the petitioner.

This revisional application is awaiting adjudication for last nine years.

The Hon'ble Supreme Court in Robin Thapa Vs Rohit Dora, reported in AIR 2019 S.C.C. 3225 held that:

“8 Ordinarily a litigation is based on adjudication on the merits of the contentions of the parties. Litigation should not be terminated by default, either of the plaintiff or the defendant. The cause of justice does require that as far as possible, adjudication be done on merits”.

I am inclined to dispose of the application which is pending for nine years, on merit based on materials available with the record.

This petition under consideration challenges the judgment and order dated 28th April, 2014 passed by the learned District Consumer Redressal Forum, South 24-Parganas in C.C.Case No. 229 of 2013.

By the impugned order, the opposite parties were directed to execute the date of conveyance in favour of the complainant as admittedly the

complainant has paid the entire consideration money and the opposite parties appearing before the Consumer Redressal Forum expressed their readiness to execute the deed.

The impugned order cannot be turned as perverse and it does not suggest any jurisdictional error.

Under such circumstances, the revisional application appears to be bereft of merit and is dismissed, however, without cost.

Let a copy of this order be sent down to the learned trial court forthwith.

(Siddhartha Roy Chowdhury, J)