

September 14, 2023
Sl. No.242
Court No.19
s.biswas

CO 2282 of 2023

Tapas Dutta
vs.
Lochan Pramanik

Mr. Altamash Alim

... for the petitioner

The petitioner prays for expeditious disposal of the Preemption (Misc.) Case No.22 of 2021, which is pending before the learned Civil Judge (Junior Division), 2nd Court, Purba Bardhaman. It is submitted that the application under Order 39 Rules 1 and 2 of the Code of Civil Procedure is pending. It is further submitted that time to file written objection has been extended from time to time but no written objection has been filed yet.

Under such circumstances, this court is of the view that justice would be subserved, if the learned court below is directed to dispose of the said pending preemption case as also the application for injunction, on an urgent basis.

This court has neither gone into the merits of the application nor into the merits of the preemption case. 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 and very reasonable.

The revisional application is disposed of with a direction upon the learned court below to dispose of the pending application for injunction within a period of two months from the next date fixed. Thereafter, the learned court below will proceed with the misc. case and dispose of the same within a year from disposal of the application for injunction, without granting unnecessary adjournments to either of the parties and upon granting adequate opportunity to the parties to contest the proceeding. 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 party.

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.)