

24.07.2023
Court No. 19
Item 134
CP

C.O. 2285 of 2023

Sri Vijay Pratap Singh & anr.
Vs.
Hemant Kumar Sharma & ors.

Mr. Sabyasachi Mukherjee
Mr. Bibek Dey
Ms. D. Choudhury
Mr. Mukesh Khanna
Mr. S. N. Ahmed
Mr. Mrinmay Nandy

....for the petitioners.

The petitioners are the defendants in Title Suit No. 1196 of 2018, which is pending before the learned civil Judge (Junior Division), 3rd Court at Howrah.

It is submitted that Misc. Case No. 39 of 2019 which is an application under Order 39 Rule 2A of the Code of Civil Procedure filed by the plaintiffs, is also pending.

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. Hence, there is no requirement for service of prior notice upon the opposite parties.

The revisional application is disposed of with a direction upon learned court below to dispose of the

pending Misc. Case within a period of four months from the next date fixed, upon granting adequate opportunity to the parties to contest the same. Thereafter, the suit be disposed of within the following one year. There is no impediment in both the proceeding being heard parallelly.

This court has not expressed any opinion on the merits of the Misc. Case as also 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.)