

18.07.2023
Sl. No.81(DL)
srm

C.O. No. 2294 of 2023

Asha Bansal & Ors.

Versus

Smt. Poonam Sharma

Mr. Meghnad Dutt,
Ms. Shreya Choudhary

...for the Petitioners.

The petitioners are the plaintiffs in Ejectment Suit No.69 of 2022, which is pending before the learned Judge, 12th Bench, City Civil Court at Calcutta.

It is submitted that an application under Order XXXIX Rule 7 read with Section 151 of the Code of Civil Procedure for appointment of an Advocate commissioner filed by the plaintiffs, is pending.

The petitioners pray for expeditious disposal of the application as also the said suit.

An order of expeditious disposal of any litigation enures to the benefit of all the parties and hence prior service of this revisional application upon the opposite party is not required. The prayer is innocuous.

Under such circumstances, the revisional application is disposed of with a direction upon the learned court below to

dispose of the application preferably within a period of three months from the next date fixed, provided the suit is ready as regards service. The learned court shall proceed in accordance with law and independently, upon giving opportunity to the opposite party to contest the application and to file written objection, if not already filed. Thereafter, the court shall proceed with the hearing of the suit and dispose of the same within a period of two years from the date of disposal of the application. Unnecessary adjournments shall not be granted to any of the parties.

This Court has neither gone into the merits of the suit nor into the merits of application.

A copy of the revisional application along with a server copy of this order be served upon the opposite party within a week.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)