

11.12.2023
Court No. 19
Item no. 259
CP

C.O. No. 2331 of 2023

Manuwara Begum & anr.
Vs.
Bibi Malena & ors.

Mr. Satyajit Mondal
Mr. A. B. Mahata

.....for the petitioners.

The petitioners are some of the defendants in a partition suit. It is submitted that the plaintiffs are intentionally avoiding the court and the Partition Suit No. 55 of 2014 is pending before the learned Civil Judge (Senior Division) Chanchal, Malda for a long time.

It appears that an application for expunging the name of the plaintiff no. 1ga is 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 the learned court below to dispose of the application within a month from the next date fixed. Adequate opportunity shall be granted to the parties to contest the same. Thereafter, the suit

shall be disposed of within two years from the disposal of the application, considering the fact that the partition suit is pending since 2014.

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