

03.08.2023
Court No. 19
Item No.75
CP

C.O. 2425 of 2023

Karnani Properties Ltd.

Vs.

Tirupati Vinimay Pvt. Ltd.

Mr. Tanmoy Mukherjee
Ms. Anuradha Poddar
Mr. Soumava Santra

...for the petitioner.

Considering the facts which have been pleaded, this court is of the view that the prayer of the plaintiff for expeditious disposal of Title Suit No. 35486 of 2014 along with an application under Section 151 of the Code of Civil Procedure filed by the defendant is reasonable. The suit is pending before the learned Judge, 5th Bench, City Civil Court at Calcutta.

The plaintiff submits that the application under Section 151 of the Code of Civil Procedure for recall of witness, was an abuse of the process of court. In the absence of the defendant, this court is not inclined to consider such submissions of Mr. Mukherjee, learned advocate for the petitioner. However, this court is of the view that considering the age of the suit and the stage of the suit, the prayer for expeditious disposal is reasonable. 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 party.

The revisional application is disposed of with a direction upon learned court below to dispose of the pending application within a month from the next date fixed, upon granting adequate opportunity to the parties to contest the same. Thereafter, the suit shall proceed and be disposed of within six months from disposal of the application.

As the next date has been fixed on December 2, 2023, the plaintiff is granted liberty to file a put up petition annexing the server copy of this order so that the learned court may prepone the date. Such put up petition shall be filed, upon service of a copy of the same upon the defendant.

This court has not expressed any opinion on the merits of 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 party and/or the learned advocates contesting the matter on behalf of the opposite party 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.)