

Item No. 41
24.08.2023
Court. No. 19
GB

C.O. 2441 of 2023

Arindam Chatterjee
Vs.
Sukumar Mondal

Mr. Asit Kr. Bhattacharya

...for the Petitioner.

The petitioner is the plaintiff in Title Suit No.353 of 2019, which is pending before the learned Civil Judge (Junior Division), 3rd Court at Baruipur. The petitioner prays for expeditious disposal of the title suit.

It is submitted that an application under Order 8, Rule 10 of the Code of Civil Procedure is pending since April 2021. It is also submitted that written objection has been filed.

Considering the age of the suit, this Court is of the view that the prayer of the petitioner is reasonable.

This Court has neither expressed any opinion on the merits of the suit nor on the merits of the application. An order of expeditious disposal enures to the benefit of all the parties and hence this revisional application need not be served upon the opposite party before its disposal. The prayer is innocuous.

Under such circumstances, this Court directs the learned Civil Judge (Junior Division), 3rd Court at Baruipur to dispose of the application within a period of two months from the next date fixed, upon giving adequate opportunity to the opposite party to contest the same. The suit shall be disposed of within a year thereafter.

The learned court below shall proceed in accordance with law and independently, without granting unnecessary adjournments to either of the parties.

Accordingly, the revisional application is disposed of.

Petitioner is directed to serve a copy of the revisional application upon the opposite party, along with a server copy of this order.

However, there will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)