

August 1, 2023
Sl. No.68
Court No.19
s.biswas

CO 2474 of 2023

Harbans Kaur Chowdhury
vs.
Anand Kumar Kedia (HUF)

Mr. Siddhartha Banerjee
Ms. Saheli Sen
Mr. Rajib Mullick
Mr. Jyoti Modal

... for the petitioner

The petitioner is the defendant who is suffering a decree of eviction and prays for expeditious disposal of the Misc. Case No.53 of 2023, along with an application under Order 39 Rules 1 and 2 of the Code of Civil Procedure. The Misc case arises out of Title Suit No.188 of 2021, which is pending before the learned Additional Civil Judge (Senior Division), 2nd Court, Alipore, South 24 Parganas.

Under such circumstances, this court is of the view that justice would be subserved, if the learned court below is directed to dispose of the pending application as also the misc. case, expeditiously.

This court has neither gone into the merits of the application nor into the merits of the misc. case. An order of expeditious disposal of any litigation, enures to the benefit of all the parties. Hence, prior service of this revisional application upon the opposite party, would not be necessary. The prayer is innocuous.

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

the pending application within two months from the next date fixed upon granting adequate opportunity to all parties to contest the same and thereafter make an endeavour to proceed with the misc. case and dispose of the same within a period of four months after disposal of the application, without granting unnecessary adjournments to either of the parties. The learned court below shall proceed strictly in accordance with law and independently. This order shall not be construed as an opinion of the court in support of the petitioner's contentions in the pending application and the Misc case.

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

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)