

August 31, 2023
Sl. No.42
Court No.19
s.biswas

CO 2648 of 2023

Sri Sukhendu Ghosh and others
vs.
M/s. Nagori Ply Arcade Limited

Mr. Prantick Ghosh

... for the petitioner

The petitioner is the defendant and pray for disposal of the Title Suit No.961 of 2022 along with pending application under Order 39 Rules 1 and 2 of the Code of Civil Procedure. The proceedings are pending before the learned Civil Judge (Junior Division), 1st Court, Barasat, North 24 Parganas. It is submitted that the ad interim order of injunction has been extended from time, to time but the main application is yet to be disposed of.

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 suit as also the application, on an urgent basis.

This court has neither gone into the merits of the application nor into the merits of the suit. 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 parties, would not be necessary. The prayer is innocuous and very reasonable.

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

the pending application within a period of two months from the date of communication of the order. The petitioners are at liberty to file an application for preponment of the next date, upon service of notice to the opposite parties. Thereafter, the learned court below shall proceed with the suit and dispose of the same preferably within a year, without granting unnecessary adjournments to either of the parties and upon granting adequate opportunity to the opposite parties to contest the proceedings. The learned court below shall proceed strictly in accordance with law and independently.

Petitioners are directed to serve a copy of this revisional application along with the server copy of this order upon the opposite parties.

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.)