

07.08.2023
Sl. No.2(ML)
srm

C.O. No. 2658 of 2023
Sri Sukumar Bhowmick
Versus
Smt. Nupur Khanra

Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee,
Mr. D. Ganguly,
Mr. Kaustav Bhattacharya

...for the Petitioner.

The petitioner is the decree-holder/plaintiff who prays for expeditious disposal of Title Appeal No.88 of 2020, which is pending before the learned Additional District Judge, Fast Track (1st Court) at Howrah.

It is submitted that the suit was decreed. Execution proceeded. An application under Section 47 of the Code of Civil Procedure was filed raising objection with regard to the executability of the decree and the same was dismissed. Thereafter, title appeal was filed along with an application for condonation of delay in filing the appeal. It is submitted that the appeal is pending since long and was repeatedly adjourned. It also appears that the application under Order XLI Rule 25 of the Code of Civil Procedure is pending in the title appeal.

Having considered the facts, this Court is of the view that the prayer of the petitioner for expeditious disposal of the title appeal is reasonable.

An order of expeditious disposal of any litigation enures to the benefit of all the parties and hence prior service of this revisional application upon the opposite party is not required. The prayer is innocuous.

Under such circumstances, the revisional application is disposed of with a direction upon the learned court below to dispose of both the application and the appeal within a period of six months from the next date fixed, independently and strictly in accordance with law, upon granting adequate opportunity to the respective parties to contest the same. Unnecessary adjournments shall not be granted to any of the parties.

This Court has neither gone into the merits of the suit nor into the merits of the application.

A copy of the revisional application, along with a server copy of this order, be served upon the opposite party within a week.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)