

21.09.2023
Court No. 19
Item no.209
CP

CO/2687/2023

TARIT KUMAR CHATTERJEE
VS
PRADIP KUMAR DUTTA

Mr. Tarit Kumar Chatterjee
..... the petitioner.
(in person)

The petitioner/plaintiff prays for expeditious disposal of Ejectment Suit No. 486 of 2016, which is pending before the learned Civil Judge (Junior Division) 1st Court, Alipore.

It is submitted that application filed by the tenant under Sections 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1997 is yet to be disposed of. The said application has been fixed for hearing on the point of maintainability but has not been disposed of. Objection to the said application has already been filed. Another application under Order 39 Rule 7 of the Code of Civil Procedure is also pending.

The prayer of the petitioner is innocuous. 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 the learned court below to dispose of

the application under Sections 7(1) and 7(2) of the West Bengal Premises Tenancy Act within a month from the next date fixed. Other applications under Order 39 Rule 7 of the Code and the application for amendment of the plaint shall be disposed of within two months thereafter. The suit shall be disposed of within a year from the disposal of the above applications. Adequate opportunity shall be granted to the parties to contest all the proceedings.

This court has not expressed any opinion on the merits of the applications 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 advocate 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.)