

08.09.2023
Sl. No.172(DL)
srm

C.O. No. 2731 of 2023

Biswajit Barman

Versus

Smt. Priyanka Parui (Barman)

Mr. Subrata Bhattacharyya,
Mr. Soumen Sarkar

...for the Petitioner.

The petitioner is the husband, who seeks early disposal of Misc. Case No.157 of 2022, which is pending before the learned District Judge, North 24-Parganas at Barasat.

The said misc. case is an application under Section 24 of the Code of Civil Procedure, by which the wife/opposite party prayed for transfer of the Matrimonial Suit No.500 of 2021, which is pending before the learned Additional District Judge, 2nd Court at Barassat, North 24-Parganas, to a court of competent jurisdiction at Basirhat, North 24-Parganas.

It is submitted that the said application is pending disposal and the husband is suffering due to the delay caused in disposal of the said application. The suit is not proceeding, due to the pendency of the Misc case.

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 the misc. case within a period of two months from the next date fixed, independently and strictly in accordance with law, upon giving opportunity of hearing to the parties to contest the said misc. case. Unnecessary adjournments shall not be granted to any of the parties.

This order shall not be construed as an observation of the Court on the merits of the said misc. case.

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.)