

31.08.2023
Sl. No.44(DL)
srm

C.O. No. 2748 of 2023

M/s. Aawas Construction Private Limited & Ors.

Versus

The General Manager, Metro Railway

Mr. Ayan Banerjee,
Mr. Dhiman Banerjee

...for the Petitioners.

The petitioners are the claimants/respondents in Metro Railway, Kolkata Claim Appeal No.19 of 2022, which is pending before the learned Appellate Authority, Metro Railway, Kolkata. The petitioners pray for expeditious disposal of the said application and the appeal.

It is submitted that every days delay, is causing suffering to the claimants as their rights are yet to crystallise due to pendency of the appeal. It is submitted that an application under Order XLI Rule 3 of the Code of Civil Procedure is pending.

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 Appellate Authority of the Metro Railway, Kolkata, to dispose of the application within a month from the next date fixed, independently and strictly in accordance with law. Thereafter, the Appellate Authority shall dispose of the entire appeal within a period of four months from the date of disposal of the application. Unnecessary adjournments shall not be granted to any of the parties.

This Court has neither gone into the merits of the appeal nor into the merits of 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.)