

Item No. 26
06.07.2023
Court. No. 19
GB

C.O. 2674 of 2022

Joynal Abedin @ Joinal Abedin
Vs.
Mst. Minu Bibi & Anr.

*Ms. Anita Kaunda,
Mr. Anubrata Dutta*

...for the Petitioner.

The petitioner is the plaintiff in Partition Suit No.242 of 2016 which is pending before the learned Civil Judge (Junior Division), 1st Court at Barasat.

The petitioner prays that the application under Order 39, Rules 1 and 2 read with Section 151 of the Code of Civil Procedure to be disposed of expeditiously. It is the specific contention of the petitioner that written objection to the said application has been filed.

Having considered the fact that the said application has been pending since 2016, this Court is of the view that the said application along with objection must be disposed of within a period of two months from the next date fixed. Thereafter, the suit shall proceed and be disposed of within a year.

This Court has not expressed any opinion either on the merit of the application or on the merits of the suit. An order of expeditious disposal enures to the benefit of all the parties and hence this revisional application need not be served upon the opposite parties before its disposal. The prayer is innocuous.

The learned court below shall proceed in accordance with law and independently.

Accordingly, the revisional application is disposed of.

Petitioner is directed to serve a copy of the revisional application upon the opposite parties, along with the server copy of this order.

However, there will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)