

11.12.2023
Court No. 19
Item no.264
CP

C.O. No. 2833 of 2023

Dhananjoy Pramanick & ors.
Vs.
Bimal Kumar Pramanick & ors.

Mr. Nirmalya Biswas
.....for the petitioners.

The petitioners are the defendants. They filed an application under Section 151 of the Code of Civil Procedure in connection with Title Suit No. 15336 of 2014 which is pending before the learned Civil Judge (Junior Division) 5th Court, Alipore.

It is submitted that the said application was filed on November 8, 2022, but the learned court has not yet disposed of the same. It is also submitted that the opposite parties have not filed their written objection.

The prayer of the petitioners 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 parties.

The revisional application is disposed of with a direction upon the learned court below to dispose of the application within two months from the next date

fixed. Adequate opportunity shall be granted to the parties to contest the same.

This court has not expressed any opinion on the merits of the application. 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 parties and/or the learned advocate contesting the matter on behalf of the opposite parties 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.)