

25.08.2023
Court No. 19
Item no.36
CP

C.O. No. 2835 of 2023

Sri Swapan Kumar Mullick @ Swapan Mullick

Versus

Sri Sumil Seal & ors.

Ms. Debjani Sengupta

Mr. Rajib Mullick

Ms. S. Samaddar

...for the Petitioner.

The petitioner is one of the propounders of the will and also a beneficiary who seeks expeditious disposal of O.C. Case No. 26 of 2018, which is pending before the learned Judge, 4th Bench, City Civil Court at Calcutta.

It is submitted by the petitioner that only one attesting witness has survived and he is 63 years old. The evidence of the said witness has been fixed since October 2022, but such evidence has not yet been completed.

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 and hence, there is no requirement for service of prior notice upon the opposite parties.

As it appears that the other attesting witnesses have expired and the only surviving attesting witness

is a senior citizen and due to undergo surgery, the learned Judge-in-Charge should make all endeavour, at least to complete the cross-examination expeditiously and also proceed with the hearing of the suit and dispose of the same within 8 months from completion of the evidence of the parties.

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