

24.08.2023
Sl. No.59(DL)
srm

C.O. No. 2838 of 2023

Shyam Sundar Das

Versus

Shri Biswanath Roy & Ors.

Mr. Kishore Mukherjee,
Mr. Ahitangni Dey

...for the Petitioner.

The petitioner is the plaintiff in Title Suit No.45 of 2016 (formerly Title Suit No.768 of 2012), which is pending before the learned Civil Judge (Junior Division), 4th Court, Serampore, Hooghly.

It is submitted that an application under Order XXII Rule 9 of the Code of Civil Procedure being Misc. Case No.52 of 2018 is pending.

The petitioner prays for expeditious disposal of the misc. case as also the suit.

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 parties 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 one month from the next date fixed, independently and strictly in accordance with law, upon granting adequate opportunity to the parties to contest the same. Thereafter, the court shall proceed with the hearing of the suit and dispose of the same within a period of eight 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 suit nor into the merits of misc. case.

A copy of the revisional application, along with a server copy of this order, be served upon the opposite parties 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.)