

August 31, 2023
Sl. No.53
Court No.19
s.biswas

CO 2848 of 2023

Arun Kumar Bakundi and others
vs.
Manindranath Ghosh and others

Mr. Kaustav Bagchi
Mr. Debayan Ghosh
Ms. Priti Kar

... for the petitioners

The petitioners seek expeditious disposal of an application under Section 10 of the Code of Civil Procedure, filed in Title Suit No.314 of 2010, which is pending before the learned Civil Judge (Junior Division), 1st Court at Barrackpore, North 24 Parganas.

Under such circumstances, this court is of the view that justice would be subserved, if the learned court below is directed to dispose of the application, on an urgent basis.

This court has neither gone into the merits of the application nor into the merits of the suit. An order of expeditious disposal of any litigation, enures to the benefit of all the parties. Hence, prior service of this revisional application upon the opposite parties, would not be necessary. The prayer is innocuous and very reasonable.

The revisional application is disposed of with a direction upon the learned court below to dispose of the pending application within a period of two months from the date of communication of the order.

The petitioner is at liberty to file an application before the learned court below, upon service of notice to the opposite parties, praying for preponment of the date. The parties shall be given adequate opportunity to contest the application. The learned court below shall proceed strictly in accordance with law and independently and endeavour to dispose of the suit if the application for stay is rejected. This order will not be construed as an opinion of this court on the merits of the application as also on the merits of the suit.

Petitioners are directed to serve a copy of this revisional application along with the server copy of this order upon the opposite parties.

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)