

18.12.2023
Sl. No.18(DL)
srm

C.O. No. 2854 of 2023

Kinkar Kumar Dey alias Kinkar Kumar De & Ors.

Versus

Ash Narayan Singh & Ors.

Mr. Asit Baran Raut,
Ms. Ishita Raut

...for the Petitioners.

The petitioners are the plaintiffs in Title Suit No.3498 of 2010, which is pending before the learned Judge, 10th Bench, City Civil Court at Calcutta. The petitioners pray for expeditious disposal of the said suit.

The petitioners submit that the suit is dragging. Although there is an order of a Hon'ble Division Bench of this Court, directing that the suit should be disposed of within the year 2013, the suit is still pending. It is further submitted that the suit is at the stage of examination of the DW.

Considering the age of the suit and the submission, this Court is of the view that the prayer of the petitioners, for early disposal of the suit, 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.

Under such circumstances, the revisional application is disposed of, with a direction upon the learned court below to dispose of the suit positively within a period of four months from the next date fixed. More than 10 years have passed since a direction was passed by a Hon'ble Division Bench, directing the learned court to dispose of the suit within 2013. The learned court shall act independently and strictly in accordance with law, upon allowing all the parties to contest the proceeding. Unnecessary adjournments shall not be granted to any of the parties.

This Court has not gone into the merits of the suit.

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.)