

17.10.2023
Court No. 19
Item no.60
CP

CO/2859/2023

KALI KRISHNA NASKAR
VS
DINABANDHU NASKAR

Mr. Subhendu Banerjee

.....for the petitioner.

The petitioner is the plaintiff who seeks expeditious disposal of Misc. Case No. 11 of 2022, filed in connection with Title Suit No. 36 of 2012, which is pending before the learned Civil Judge (Senior Division) 2nd Court, Baruipur, upon reconstitution of the records.

The petitioner submits that the said application could not be disposed of as the records were not available. Accordingly, the petitioner had filed an application seeking reconstruction of the file.

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 party.

The revisional application is disposed of with a direction upon the learned court below to ensure that the records are made available by the

department within a week from reopening of the court after the puja vacation. Misc. Case No. 11 of 2022 shall be disposed of expeditiously, preferably within three months thereafter. The suit will be disposed of within a year from disposal of the application. Adequate opportunity shall be granted to the parties to contest the proceeding.

If the records are not available, the learned court below shall reconstruct the file and thereafter comply with this order.

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