

08.09.2023
Court No. 19
Item no. 179
CP

C.O. No. 2880 of 2023

Makhmoor Alam & anr.
Vs.
Mrs. Masood Alam & anr.

Mr. Sibnath Ganguly

... for the Petitioners.

The petitioners are the plaintiffs in Ejectment Suit No.48 of 2017, which is pending before the learned Civil Judge (Junior Division), at Sealdah.

It is submitted that an application under Section 7(2) of the West Bengal Premises Tenancy Act, 1997 is pending. The petitioners have filed a written objection to the said application. It is also submitted that an application under Order 39 Rule 7 of the Code of Civil Procedure is pending disposal. The petitioners pray for expeditious disposal of the applications as also the suit.

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

The revisional application is disposed of with a direction upon the learned court below to dispose of the application under Section 7(2) of the West Bengal Premises Tenancy Act, 1997, within a month from

the next date fixed. The application for local inspection shall be decided within a month thereafter. Adequate opportunity shall be granted to the parties to contest the same.

Upon disposal of the application, the learned court below shall make sincere endeavour to dispose of the suit within a year from the disposal of the above applications.

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