

25.08.2023
Court No. 19
Item no.38
CP

C.O. No. 2891 of 2023

Sri Sumanta Dutta

Versus

Sanjoy Dutta & ors.

Mr. Biswarup Biswas

Mr. Asis Debnath

...for the Petitioner.

The petitioner is the executor of the will and prays for expeditious disposal of the Probate Suit No. 01 of 2020, which is pending before the learned Additional District Judge, Fast Track, 1st Court at Howrah.

Mr. Biswas, leaned advocate for the petitioner, submits that on an earlier occasion also a Coordinate Bench of this court had directed that the suit should be disposed of expeditiously. Such order was passed on May 18, 2022.

The prayer of the petitioner 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 said suit, within a period of six months from the

next date fixed, upon granting adequate opportunity to the parties to contest the same.

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