

08.09.2023
Court No. 19
Item no. 180
CP

C.O. No. 2930 of 2023

Asha Bansal & ors.
Vs.
Deepak Raj Sharma

Mr. Lalratan Mandal

... for the Petitioners.

By this application, the petitioners seek expeditious disposal of Ejectment Suit No.44 of 2022, along with all applications which are pending before the learned Judge , 12th Bench, City Civil Court at Calcutta.

It is submitted that the learned court had erroneously directed that the application filed by the tenant under Section 7(2) of the West Bengal Premises Tenancy Act, 1997, would be heard along with the suit. Such contention of the petitioners cannot be decided in this proceeding.

Three other applications are pending, which are not connected with the said proceeding under Sections 7(2) of the West Bengal Premises Tenancy Act. Those are required to be disposed of expeditiously. One such application is under Order 39 Rule 7 of the Code of Civil Procedure, the other one is under Order 1 Rule 10 of the Code and the third is for transposition.

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 party.

The revisional application is disposed of with a direction upon the learned court below to dispose of the application for transposition, within a month from the next date fixed. The application for under Order 39 Rule 7 of the Code of Civil Procedure and the application under Order 1 Rule 10 of the Code shall be disposed of within three months thereafter. Adequate opportunity shall be granted to the parties to contest the same.

Upon disposal of the applications, 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 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.)