

08.09.2023  
Court No. 19  
Item no. 181  
CP

C.O. No. 2931 of 2023

Asha Bansal & ors.

Vs.

Kailash Chandra Jhunjhunwala

Mr. Lalratan Mandal

... for the Petitioners.

By this application, the petitioners seek expeditious disposal of Ejectment Suit No.03 of 2023, which is pending before the learned Judge, 12<sup>th</sup> Bench, City Civil Court at Calcutta.

It is submitted that three applications are pending. One under Section 7(2) of the West Bengal Premises Tenancy Act, 1997, the other under Order 26 Rule 9 of the Code of Civil Procedure seeking appointment of an engineer commissioner and the third 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. Thereafter, the application under Order 26 Rule 9 of the Code of Civil Procedure

and the application under Section 7(2) of the West Bengal Premises Tenancy Act, 1997 shall be disposed of within three months. 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.)**