

Item No.184
08.09.2023
Court. No. 19
GB

C.O. 2969 of 2023

Haru Khan

Vs.

Nemai Chandra @ Nemai Charan (Since deceased)
Represented by his legal heirs, Debabrata Khan & Ors.

Mr. Siddhartha Sarkar,
Mr. Hirak Roy,
Mr. P. Bhattacharya

...for the Petitioner.

The petitioner is the preemptee/appellant in Misc. Appeal No.02 of 2023, which is pending before the learned Civil Judge (Senior Division) at Bishnupur, Bankura.

The petitioner submits that the appeal was filed belatedly and hence, an application for condonation of delay has also been filed. The petitioner prays for expeditious disposal of the application for condonation of delay

An order of expeditious disposal enures to the benefit of all the parties and hence prior service of this revisional application upon the opposite party is not required. The prayer is innocuous. This Court has not expressed any opinion on the merits of the application.

Under such circumstances, this Court directs the learned Civil Judge (Senior Division) at Bishnupur, Bankura to dispose of the application within a period of two months from communication of this order, upon giving adequate opportunity to the opposite party to contest the same by filing proper objection. Thereafter, if delay is condoned and appeal is registered, the appeal shall be disposed of within a year.

This order shall not be construed as a direction of this court allowing condonation of delay. The court has also not decided the merits of the pending misc. appeal.

The learned court below shall proceed in accordance with law and independently, without granting unnecessary adjournments to either of the parties.

Accordingly, the revisional application is disposed of.

Petitioner is directed to serve a copy of the application upon the opposite parties, along with a server copy of this order.

However, there will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)