

05.10.2023  
Court No. 19  
Item no.110  
CP

CO/3024/2023

ABDUL KHALEK SHAKE  
VS  
ALAUDDIN SHAKE

Mr. L. Bhattacharya

... for the Petitioner.

The petitioner prays for expeditious disposal of the Title Appeal No. 17 of 2016 which has been renumbered as Title Appeal No. 47 of 2017. It is contended that the said appeal is pending before the learned Civil Judge (Senior Division), 2<sup>nd</sup> Court at Baruipur.

It is submitted that the appeal is not proceeding as the lower court records have not been received.

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. 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 lower appellate court to ensure that the lower court records are received within a week from the reopening of the court after the puja vacation. The appeal shall be disposed of

within one year from the receipt of the lower court records. Adequate opportunity shall be granted to the parties to contest the same.

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