

Item No.220
21.09.2023
Court. No. 19
GB

C.O. 3072 of 2023

Sri Paresh Banerjee & Ors.
Vs.
Baniara New Mitali Sangha & Ors.

Mr. Abhilash Chatterjee

...for the Petitioners.

By this application, the petitioners seek expeditious disposal of Title Suit No.301 of 2012 as also expeditious disposal of the application under Order 14 Rule 5 of the Code of Civil Procedure filed by the defendant nos.1 and 2, which are pending before the learned Civil Judge (Junior Division), 4th Court at Howrah.

Considering the age of the suit and considering the submissions, the Court is of the view that 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. 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 application within a period of three months from the next date fixed. Upon disposal of the said application, the suit shall be disposed of expeditiously, preferably within a year thereafter. Adequate opportunity shall be granted to the parties to contest the same.

This court has neither expressed any opinion on the merits of the suit nor on the merits of the application. 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.

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.)