

Item No.221
21.09.2023
Court. No. 19
GB

C.O. 3074 of 2023

Hanelab Private Limited
Vs.
Md. Atiqur Rahaman & Ors.

Mr. Arnab Mukherjee

...for the Petitioner.

By this application, the petitioner/defendant no.4 seeks expeditious disposal of Misc. Case No.2 of 2016, which is an application under Order 9 Rule 13 of the Code of Civil Procedure, seeking setting aside of an ex parte decree passed in connection with Title Suit No.725 of 2011. The said misc. case is pending before the learned Civil Judge (Junior Division), 4th Court at Alipore.

It is submitted that the application for setting aside ex parte decree was filed sometime in 2016. Evidence commenced sometime in 2019 and is continuing. It is further submitted that the learned court below has failed to proceed with the said application in the manner it deserved.

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 misc. case within a period of three months from the next date fixed.

Adequate opportunity shall be granted to the parties to contest the same.

This court has not expressed any opinion on the merits of the misc. case. 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.)