

03.10.2023
Court No. 19
Item no.275
CP

C.O. 3077 of 2023

Saikat Nath & anr.
Vs.
Arya Nath

Mr. Argha Banerjee

... for the Petitioners.

The petitioners are the defendant nos. 1 and 3 in Title Suit No. 113 of 2017, which is pending before the learned Civil Judge (Senior Division) 10th Court, Alipore. It is submitted that the suit is at the peremptory hearing stage and the suit is repeatedly being adjourned.

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 party.

The revisional application is disposed of with a direction upon the learned court below to pass the preliminary decree within a year from the next date fixed. Adequate opportunity shall be granted to the parties to contest the proceeding.

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