

24.08.2023
Court No. 19
Item No.21
CP

C.O. 2986 of 2022

Abdul Hamid

Vs.

Shabhadipati, Panchayat Samiti
Sandeshkhali – I & ors.

Mr. Souri Ghosal
Mr. Prabhat Kr. Singh

.....for the petitioner.

The petitioner prays for expeditious disposal of Money Appeal No. 1 of 2021, which is pending before the learned Additional District Judge, Fast Track, 2nd Court at Basirhat.

According to the petitioner, the appeal is not maintainable before the said court, but the learned court below has kept the application under Section 5 of the Limitation Act as also the application for stay pending, since long. The petitioner seeks expeditious disposal of the said proceedings upon adjudication of the ground of lack of pecuniary jurisdiction.

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 applications within a period of two months from the next date fixed, upon granting adequate opportunity to the parties to contest the same.

This court has not expressed any opinion on the merits of the pending applications as also 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 parties and/or the learned advocate contesting the matter on behalf of the opposite parties 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.)