

14.09.2023
Court No. 19
Item no.251
CP

C.O. No. 3104 of 2023

Forward Seamen's Union of India & anr.
Vs.
Naresh Bhiku Birwadkar @ Naresh Bhiku
Birwadkar @ Naresh Birwadkar & ors.

Mr. Ashis Kr. Mukherjee
Mrs. A. Saha

.....for the petitioners.

The petitioners are the plaintiffs in Misc. Appeal No.129 of 2019, which is pending before the learned Additional District Judge, 14th Court at Alipore.

It is submitted that an application under Order 22 Rule 3 of the Code of Civil Procedure and another application under Order 39 Rules 1 and 2 of the Code of Civil Procedure are pending. It is further submitted that directions had been passed by this court on an earlier occasion for disposal of the pending applications within a month.

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 and 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 substitution application, within a month from the next date fixed. Thereafter, the injunction application shall be disposed of within two months. Upon disposal of the aforesaid applications the misc. appeal shall be disposed of within a year thereafter. Adequate opportunity shall be granted to the parties to contest the same.

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