

14.09.2023
Court No. 19
Item no.252
CP

C.O. 3129 of 2023

ASHA BANSAL AND ORS
VS
BISWANATH AGARWAL

Mr. Subhankar Chakraborty
Mr. Saptarshi Bhattacharjee
.....for the petitioners.

By this application, the petitioners seek expeditious disposal of Ejectment Suit No.53 of 2022, which is pending before the learned Judge, 12th Bench, City Civil Court at Calcutta.

It is submitted that three applications are pending along with the suit. One application is under Order 39 Rule 7 of the Code of Civil Procedure. Other is for transposition and the third is under Section 7(3) of the West Bengal Premises Tenancy Act, 1997.

It is submitted that the applications under Sections 7(1) and 7(2) had been erroneously fixed for hearing along with the main suit. However, this court is of the view that such order is not under challenge and, hence, such argument is not taken into consideration at this stage.

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 party.

The revisional application is disposed of with a direction upon the learned court below to dispose of the application for transposition, within a month from the next date fixed. Thereafter, the other two applications shall be disposed of within three months as per the seriality they deserve. Adequate opportunity shall be granted to the parties to contest the same.

Upon disposal of the applications, the learned court below shall make sincere endeavour to dispose of the suit within a year from the disposal of the above applications.

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