

05.10.2023
Court No. 19
Item no.111
CP

CO/3194/2023

SMT. SUKLA CHANDA
VS
SRI BISWAJIT GHOSH

Ms. Sudeshna Basu Thakur
Ms. Banani Bhattacharya

... for the Petitioner.

The petitioner is the defendant in Title Suit No. 50 of 2023, which is pending before the learned Civil Judge (Senior Division), 5th Court at Alipore. The petitioner prays for expeditious disposal of the application under Order 39 Rules 1 and 2 of the Code of Civil Procedure and along with the application under Order 39 Rule 4 of the Code of Civil Procedure.

The prayer of the petitioner 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 dispose of the applications within two 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 applications. 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.)