

September 8, 2023
Sl. No.168
Court No.19
s.biswas

CO 3212 of 2022

Malati Das
vs.
Jayanti Podder

Mr. Sagnik Mukherjee

... for the petitioner

The petitioner is one of the respondents in the Misc. appeal, who prays for the expeditious disposal of the Misc. Appeal No.107 of 2016, which is pending before the learned Additional District Judge, 1st Court at Barasat, North 24 Parganas.

The learned advocate for the petitioner has produced the order sheet. It appears that the appellant before the learned lower appellate court had been praying for adjournments on various occasions. It also appears that the learned lower appellate court had directed the appellant to show cause as to why the appeal shall not be dismissed.

It appears that an application under Order 5 Rule 20 of the Code of Civil Procedure is pending. The show cause filed by the appellant is pending acceptance.

Under such circumstances, this court is of the view that justice would be subserved, if the learned court below is directed to dispose of the pending application as also the appeal, on an urgent basis.

This court has neither gone into the merits of the application nor into the merits of the appeal. An order of expeditious disposal of any litigation, enures to the benefit of all the parties. Hence, prior service of this revisional application upon the opposite party, would not

be necessary. The prayer is innocuous and very reasonable.

The revisional application is disposed of with a direction upon the learned court below to take a decision expeditiously as to whether the show cause should be accepted or not. Thereafter, if the show cause is accepted, the court shall proceed with the disposal of the pending proceeding. It is made clear that the entire proceeding shall be disposed of within six months from the next date fixed, in case show cause is accepted, without granting unnecessary adjournments to either of the parties and upon granting adequate opportunity to the opposite party to contest the proceedings. The learned court below shall proceed strictly in accordance with law and independently.

Petitioner is directed to serve a copy of this revisional application along with the server copy of this order upon the opposite party.

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)