

Item No.278
03.10.2023
Court. No. 19
GB

C.O. 3334 of 2023

Syed Aziz Akhtar & Anr.

Vs.

Smt. Sakuntala Jaisawal Gupta & Ors.

Mr. Shuvanil Chakraborty,
Mr. Syed Shameem Akhtar

...for the Petitioners.

By this application, the petitioners seek expeditious disposal of the Misc. Case No.139 of 2022, which is an application for substitution as also the application for reconstruction of the records, filed in connection with Misc. Case No.588 of 2010. Misc. Case No.588 of 2010 arises out of Title Suit No.121 of 1997. The application and the misc. case are pending before the learned Civil Judge (Junior Division), 5th Court at Alipore.

Considering the submissions, the Court is of the view that 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 Misc. Case No.139 of 2022 and the application for reconstruction within a period of four months from the next date fixed. Upon disposal of the above proceedings, Misc. Case No.588 of 2010 shall be disposed of within the succeeding four months.

Adequate opportunity shall be granted to the parties to contest the same.

This court has neither expressed any opinion on the merits of the pending applications nor on the merits of the case. 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.

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.)