

Item No.115
05.10.2023
Court. No. 19
GB

C.O. 3404 of 2023

Asha Bansal & Ors.
Vs.
Harinder Mehta

*Mr. Subhankar Chakraborty,
Mr. Saptarshi Bhattacharjee,
Ms. Ruchira Manna*

...for the Petitioners.

By this application, the petitioners seek expeditious disposal of Ejectment Suit No.33 of 2022 along with all applications, which are pending before the learned Judge, 12th Bench, City Civil Court at Calcutta.

Two applications are pending which are required to be disposed of expeditiously. One such application is under Order 1 Rule 10 of the Code of Civil Procedure for transposition, and the other application filed by the opposite parties, is under Section 7(2) of the West Bengal Premises Tenancy Act, 1997, which has been fixed for passing necessary orders.

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 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. The application under Section 7(2) of the West

Bengal Premises Tenancy Act, 1997 shall be disposed of within a month thereafter. 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.

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.)