

11.10.2023
Court No. 19
Item no.52
CP

C.O. No. 3547 of 2023
Sri Saibal Kumar Sinha
Vs.
Sri Ashish Kumar Sinha & ors.

Mr. Arnab Mukherjee
.....for the petitioner.

The petitioner prays for expeditious disposal of the Title Suit No. 1 of 2015, which is pending before the learned Civil Judge (Senior Division) 1st Court, Alipore. It appears that on an earlier occasion as well, an Hon'ble Division Bench of this court by an order dated October 6, 2020, had directed the learned Judge to conclude the hearing of the suit and draw up the decree not later than two years from the date of the order. It is submitted that the suit is yet to be concluded and is at the stage of evidence.

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 parties.

The revisional application is disposed of with a direction upon the learned court below to dispose of the suit within six months from the next date fixed mandatorily, without granting unnecessary adjournments. Adequate opportunity shall be

granted to the parties to contest the same. Upon disposal of the suit, a report be filed before the learned Registrar General of this court.

This court has not expressed any opinion on the merits of 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 parties and/or the learned advocate contesting the matter on behalf of the opposite parties 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.)