

14.12.2023
Sl. No.254(DL)
srm

C.O. No. 3560 of 2023
Sri Madhab Ranjan Manna
Versus
Sri Purna Chandra Maity

Mr. Krishnendu Bera

...for the Petitioner.

The petitioner is the defendant No.7 in Title Suit No.31 of 2010, which is pending before the learned Civil Judge (Senior Division), 1st Court at Contai, Purba Medinipur. The suit is one for partition.

It is submitted that the preliminary decree was passed in 2015 and the final decree is yet to be passed and the commission was held. The report of the partition commissioner is also on record.

Considering the age of the suit and the submission, this Court is of the view that the prayer of the petitioner for early disposal of the suit, 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.

Under such circumstances, the revisional application is disposed of, with a direction upon the learned court below to dispose of the suit within a period of six months from the next date fixed, independently and strictly in accordance with law, upon allowing the parties to contest the proceeding. Unnecessary adjournments shall not be granted to any of the parties.

This Court has not gone into the merits of the suit.

A copy of the revisional application along with a server copy of this order be served upon the opposite party within a week.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)