

04.12.2023
Sl. No.22(ML)
srm

C.O. No. 3608 of 2023

Subhadip Basu

Versus

Debabrata Bose

Mr. Ayan Kumar Boral

...for the Petitioner.

The petitioner is the plaintiff in Title Suit No.1132 of 2015, which is pending before the learned Civil Judge (Junior Division), 4th Court at Howrah.

According to the petitioner, the suit was filed sometime in 2015. The written statement along with a counterclaim was filed by the defendant after almost three years from filing of the suit. The counterclaim has not been sufficiently stamped. Deficit stamp duty has not yet been paid and a misc. case is also pending.

The petitioner prays for expeditious disposal of the title suit as also the pending misc. case.

Considering the age of the suit, the time lost between the institution of the suit and filing of the written statement as also the long pendency of the misc. case, this Court is of the view that the prayer of the petitioner for early disposal of the proceedings, 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.

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

This Court has neither gone into the merits of the misc. case nor into the merits of the title 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.)