

04.12.2023
Sl. No.364(ML)
srm

C.O. No. 3638 of 2023

Binay Shaw

Versus

Vijoy Kumar Shaw & Ors.

Mr. Meghajit Mukherjee

...for the Petitioner.

The petitioner is the defendant No.6 in Title Suit No.246 of 2016. The petitioner prays for expeditious disposal of the said suit, which is pending before the learned Civil Judge (Senior Division), 7th Court at Alipore, South 24-Parganas.

It is submitted that although the suit was filed in 2016, evidence had not commenced. It is further submitted that the evidence of the PW, on commission, has been permitted, but the evidence is yet to be recorded.

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

A copy of the revisional application along with a server copy of this order be served upon the opposite parties 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.)