

11.10.2023
Court No. 19
Item no.352
CP

C.O. No. 3661 of 2023

PROSENJIT JANA
VS
SMITA JANA

Mr. Debajyoti Deb
Ms. S. Parekh

.....for the petitioner.

The petitioner prays for expeditious disposal of an application for withdrawal of the plaint. The said application has been filed by the husband in Matrimonial Suit No. 2743 of 2021, which is pending before the learned Additional District Judge, Fast Track, 2nd Court at Barrackpore.

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 party.

The revisional application is disposed of with a direction upon the learned court below to dispose of the application within one month from the next date fixed. Adequate opportunity shall be granted to the parties to contest the same.

This court has not expressed any opinion on the merits of the application. The learned court shall

proceed independently. It is for the learned court below to decide the said application in accordance with law upon contest and pass necessary orders instead of keeping the said application pending.

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, 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.)