

06.12.2023
Sl. No.268(DL)
srm

C.O. No. 3716 of 2023
Asha Bansal & Ors.
Versus
Abhishek Khemka & Anr.

Mr. Subhankar Chakraborty,
Mr. Saptarshi Bhattacharjee

...for the Petitioners.

The petitioners pray for expeditious disposal of Ejectment Suit No.56 of 2022, which is pending before the learned Judge, 12th Bench, City Civil Court at Calcutta.

According to the petitioners, four applications are pending. One application is under Order XXXIX Rule 7 of the Code of Civil Procedure and others are under Sections 7(1), 7(2) and 7(3) of the West Bengal Premises Tenancy Act.

Considering the submission, this Court is of the view that the prayer of the petitioners for early hearing 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 application under Order XXXIX Rule 7 of the

Code of Civil Procedure 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 said application, the applications under Sections 7(1), 7(2) and 7(3) of the West Bengal Premises Tenancy Act shall be disposed of, according to the seriality they deserve, but within a period of six months thereafter. Needless to mention, all parties shall be granted ample opportunities to contest the proceeding.

Upon disposal of all the applications, the suit shall be expedited and disposed of preferably within a period of two years.

Unnecessary adjournments shall not be granted to any of the parties.

This Court has neither gone into the merits of the applications nor 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 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.)