

06.12.2023
Court No. 19
Item no.270
CP

C.O. No. 3718 of 2023

Sri Mangobinda Das & anr.

Vs.

Sri Anadi Das & ors.

Ms. Krishna Das Poddar

.....for the petitioners.

The petitioners are the defendant nos. 1 & 2 in a suit for partition being Title Suit No. 283 of 2017, which is pending before the learned Civil Judge (Junior Division), 1st Court, Contai. The petitioners pray for expeditious disposal of an application under Order 7 Rule 11 of the Code of Civil Procedure. It is submitted that long time has passed but no date has been fixed for hearing of the said application.

The prayer of the petitioners 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.

The revisional application is disposed of with a direction upon the learned court below to dispose of the application within a period of two months 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 and in accordance with law.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties and/or the learned advocate contesting the matter on behalf of the opposite parties 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.)