

Item No.287
20.12.2023
Court. No. 19
GB

C.O. 3733 of 2023

Sri Sumit De
Vs.
Smt. Gita De & Ors.

Mr. Sumit De

*... Petitioner
(In-person).*

This application has been filed seeking expeditious disposal of the Title Suit No.262 of 2013 along with all pending applications.

The petitioner is the plaintiff in the suit. The petitioner draws the attention of the court, to several orders of High Court, by which the learned trial judge was directed to dispose of the application for amendment as also the misc. case within six months.

It is submitted by the petitioner that despite the order of this Court, no steps have been taken for disposal of the pending applications.

Considering the submissions, this Court is of the view that 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 parties.

The revisional application is disposed of with a direction upon the learned court below, to dispose of all the pending applications including the misc. case, arising out of Title Suit No.262 of 2013 within a period of four months from

the next date fixed. This is a mandatory direction, in view of the fact that earlier orders have already been passed with a direction upon the learned trial judge for expeditious disposal of the applications. Upon disposal of the applications, the suit shall be disposed of within a year thereafter. Adequate opportunity shall be given to the parties to contest the same.

This court has not expressed any opinion on the merits of the suit and the applications. The learned court shall proceed independently and in accordance with law. No unnecessary adjournments shall be given to either of the parties.

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.

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.)