

Item No.279
06.12.2023
Court. No. 19
GB

C.O. 3744 of 2023

Panchu Mondal @ Panchu Gopal Mondal
Vs.
Sri Ajit Mondal & Ors.

*Mr. Sounak Bhattacharya,
Mr. Chandra Nath Sarkar,
Mr. Sounak Mandal*

...for the Petitioner.

The petitioner is the defendant no.1(Ga) in Partition Suit No.27 of 2012, subsequently renumbered as Title Suit No.75 of 2017, which is pending before the learned Civil Judge (Senior Division), 2nd Court at Baruipur, South 24-Parganas.

It is submitted that an application for substitution, filed in 2019 and an another application under Order 1 Rule 10 of the Code of Civil Procedure, are pending before the learned court below.

Considering the submissions, the 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 the applications within a period of three months from the next date fixed. Adequate opportunity shall be granted to the parties to contest the same. After disposal of the applications, the suit should be expedited.

This court has neither expressed any opinion on the merits of the suit nor on the merits of the applications. 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 party and/or the learned advocate contesting the matter on behalf of the opposite party 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.)