

July 20, 2023
Sl. No.101
Court No.19
s.biswas

CO 3444 of 2022

Sri Bimal Dey
vs.
Sri Bishnupal Chawdhuri and others

Mr. Mukteswar Maity
Ms. Nupur Chaudhuri

... for the petitioner

The petitioner is the plaintiff in Title Suit No.35 of 2021, which is pending before the learned Additional Civil Judge (Junior Division), 2nd Court, Alipore, South 24 Parganas. It is submitted that an application under Order 6 Rule 17 as also an application under Order 39 Rules 1 and 2 of the Code of Civil Procedure are pending. It is also submitted that objection to the application under Order 39 Rules 1 and 2 of the Code, has been filed. The petitioner prays for expeditious disposal of the pending applications as also the suit.

Under such circumstances, this court is of the view that justice would be subserved, if the learned court below is directed to dispose of the said pending applications as also the suit, on an urgent basis.

This court has neither gone into the merits of the applications nor into the merits of the suit. An order of expeditious disposal of any litigation, enures to the benefit of all the parties. Hence, prior service of this revisional application upon the opposite

parties, would not be necessary. The prayer is innocuous.

The revisional application is disposed of with a direction upon the learned court below to dispose of the pending applications within a period of two months from the next date fixed and thereafter make an endeavour to proceed with the suit and dispose of the same within a period of one year after disposal of the applications, without granting unnecessary adjournments to either of the parties and upon granting adequate opportunity to the opposite parties to contest the proceedings. The learned court below shall proceed strictly in accordance with law and independently.

Petitioner is directed to serve a copy of this revisional application along with the server copy of this order upon the opposite parties.

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)