

Item No.283
06.12.2023
Court. No. 19
GB

C.O. 3775 of 2023

Sukumar Kanji
Vs.
Biswanath Mallick

Mr. Tarak Nath Halder

...for the Petitioner.

The petitioner is the defendant in Ejectment Suit No.25 of 2022, which is pending before the learned Civil Judge (Junior Division), 5th Court at Alipore. The petitioner seeks expeditious disposal of an application for repair and an application under Order 39 Rule 7 of the Code of Civil Procedure, filed in connection with the application for repair.

According to the petitioner, the said applications are pending since August 1, 2022.

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 and hence, there is no requirement for service of prior notice upon the opposite party.

The revisional application is disposed of with a direction upon the learned court below to dispose of the applications within a period of two months from the date of communication of this order. The petitioner will be at liberty to file a put up petition upon notice of the same to the opposite party, and bring this order to the notice of the learned court below. On the basis of this order, necessary

orders shall be passed by fixing the hearing of the applications. Adequate opportunity shall be granted to the parties to contest the same.

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. 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 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.)