

Item No.284
06.12.2023
Court. No. 19
GB

C.O. 3778 of 2023

Manoyar Hossain Mondal
Vs.
Rabiul Islam & Ors.

Mr. Younush Mondal

...for the Petitioner.

The petitioner is the plaintiff in Title Suit No.1041 of 2022, which is pending before the learned Civil Judge (Senior Division), 1st Court at Barasat. The petitioner seeks expeditious disposal of an application filed under Order 39 Rule 2(a) of the Code of Civil Procedure.

According to the petitioner, the said application is pending from December 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 parties.

The revisional application is disposed of with a direction upon the learned court below to dispose of the application within a period of four months from the next date fixed. 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 application. 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.)