

14.12.2023
Sl. No.258(DL)
srm

C.O. No. 3802 of 2023

Anil Kumar Poddar & Ors.

Versus

Prem Nath Kejriwal & Anr.

Mr. Ashim Kumar Roy,
Mr. Anirban Roy

...for the Petitioners.

The petitioners are the landlords who have filed Ejectment Suit No.398 of 2015, which is pending before the learned 4th Bench, Presidency Small Causes Court at Calcutta.

The petitioners submit that applications under Sections 7(1) and 7(2) of the West Bengal Premises Tenancy Act, 1997 have been rejected. The defence of the tenant has been struck off. The petitioners submit that as the court is lying vacant for the past six months, there is no progress in the suit.

Considering the age of the suit and the submission, this Court is of the view that the prayer of the petitioners for early disposal of the suit, 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.

Under such circumstances, the revisional application is disposed of, with a direction upon the learned court below to dispose of the suit within a period of six months from the next date fixed, independently and strictly in accordance with law, upon allowing the parties to contest the proceeding. Unnecessary adjournments shall not be granted to any of the parties.

If the Bench is lying vacant, the petitioners are at liberty to take steps for transfer of the suit to another learned Bench.

This Court has not gone into the merits of the suit.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties within a week.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)