

Item No.274
11.12.2023
Court. No. 19
GB

C.O. 3810 of 2023

Shipra Sen @ Sipra Sen & Ors.
Vs.
Subhasis Chakraborty

Mr. Haradhan Mondal

...for the Petitioners.

By this application, the petitioners seek expeditious disposal of the pending applications under Order 39 Rules 1 and 2, Order 39 Rule 4 and Order 7 Rule 11 of the Code of Civil Procedure, all filed in connection with Title Suit No.856 of 2021, which is pending before the learned Additional Civil Judge (Junior Division), 1st Court at Alipore.

Considering the submissions, the Court is of the view that the prayer of the petitioners 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 party.

The revisional application is disposed of with a direction upon the learned court below to dispose of the applications within a period of six months from the next date fixed as per the seriality they deserve. Adequate opportunity shall be given to the parties to contest the same. On the outcome of the said application, the suit shall proceed in accordance with law.

This court has neither expressed any opinion on the merits of the pending applications nor on the merits of the

suit. 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.)