

Item No.275
11.12.2023
Court. No. 19
GB

C.O. 3812 of 2023

Aindri Ganguly
Vs.
Biswajit Halder & Anr.

*Mr. Shubham Gupta,
Md. Shamimoddin,
Mr. Raunak Shaw*

...for the Petitioner.

By this application, the petitioner seeks expeditious disposal of Title Suit No.701 of 2021 and the application filed by the defendant under Order 7 Rule 11 of the Code of Civil Procedure, which is pending before the learned 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 parties.

The revisional application is disposed of with a direction upon the learned court below to dispose of the pending application within a period of three months from the next date fixed. 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 and be expedited.

This court has neither expressed any opinion on the merits of the pending application 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 parties and/or the learned advocate contesting the matter on behalf of the opposite parties 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.)