

Item No.277
11.12.2023
Court. No. 19
GB

C.O. 3823 of 2023

The Chief Manager/Authorized Officer
UCO Bank, Kolkata
Vs.
Mrs. Rakhi Shaw & Ors.

Mr. Dyutimoy Paul,
Mr. S. Ghosh

...for the Petitioner.

The petitioner is the defendant no.3 in Title Suit No.1549 of 2019, which is pending before the learned Civil Judge (Junior Division), 1st Court at Alipore. By this application, the petitioner seeks expeditious disposal of two applications.

It is submitted that an application under Order 7 Rule 11 of the Code of Civil Procedure and an application under Order 39 Rule 4 of the Code, are pending.

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. 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 applications within a period of four 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 under Order 7 Rule 11 of the Code, 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 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.)