

December 11, 2023
Sl. No.279
Court No.19
s.biswas

CO 3843 of 2023

Manik Lal Saha
vs.
Jahar Kumar Saha

Mr. Nirmalya Biswas

... for the petitioner

The petitioner is the defendant in Title Suit No.52 of 2011, which is pending before the learned Civil Judge (Junior Division), 2nd Court, Burdwan. The petitioner submits that an application under Order 39 Rules 1 and 2 of the Code of Civil Procedure has been pending since long. The petitioner prays for expeditious disposal of the application as also the suit.

Under such circumstances, this court is of the view that justice would be subserved, if the learned court below is directed to dispose of the said suit along with pending application, on an urgent basis.

This court has neither gone into the merits of the application nor into the merits of the suit. An order of expeditious disposal of any litigation, enures to the benefit of all the parties. Hence, prior service of this revisional application upon the opposite party, would not be necessary. The prayer is innocuous and very reasonable.

The revisional application is disposed of with a direction upon the learned court below to dispose of the pending application within three months from

the next date fixed. Thereafter, the learned court below shall proceed with the suit and dispose of the same within a year, upon disposal of the applications, without granting unnecessary adjournments to either of the parties and upon granting adequate opportunity to the opposite party to contest the proceedings. The learned court below shall proceed strictly in accordance with law and independently.

Petitioner is directed to serve a copy of this revisional application along with the server copy of this order upon the opposite party.

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)