

14.12.2023
Court No. 19
Item No.262
CP

C.O. No. 3862 of 2023

Shampa Dutta & Ors.
Vs.
Prasanta Mukherjee & Ors.

Ms. Poulomi Chakraborty
... for the petitioners.

The petitioners are the plaintiffs in Title Suit No. 706 of 2022, which is pending before the learned Civil Judge (Junior Division) 1st Court, Barasat.

It is submitted that an application under Order 39 Rules 1 and 2 of the Code of Civil Procedure as also the suit, are pending since long.

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 application within two months from the next date fixed. Adequate opportunity shall be granted to the parties to contest the same. Thereafter, the suit shall be disposed of within two years.

This court has not expressed any opinion on the merits of the application and 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, within a week.

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.)