

December 11, 2023
Sl. No.280
Court No.19
s.biswas

CO 3923 of 2023

Sri Dipak Kumar Mondal and others

vs.

Sri Arup Kumar Guha and others

Mr. Rajdeep Bhattacharya

Mr. Arpayan Mukherjee

... for the petitioners

The petitioners are the defendants who pray for expeditious disposal of the Title Suit No.1954 of 2018, which is pending before the learned Civil Judge (Junior Division), 5th Court, Alipore, South 24 Parganas. The petitioner submits that applications under Order 39 Rules 1 and 2, Order 1 Rule 10(2) and Order 6 Rule 17 of the Code of Civil Procedure are also pending before the the learned Civil Judge (Junior Division), 5th Court, Alipore. The petitioner prays for expeditious disposal of the applications 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 applications, on an urgent basis.

This court has neither gone into the merits of the applications 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 parties, 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 applications within six months from the next date fixed. Thereafter, the learned court below shall proceed with the suit and dispose of the same within two years, upon disposal of the applications, without granting unnecessary adjournments to either of the parties and upon granting adequate opportunity to the opposite parties to contest the proceedings. The learned court below shall proceed strictly in accordance with law and independently.

Petitioners are directed to serve a copy of this revisional application along with the server copy of this order upon the opposite parties.

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.)