

December 11, 2023
Sl. No.282
Court No.19
s.biswas

CO 3971 of 2023

Binita Modi
vs.
Bijoy Kumar Modi and others

Mr. Arif Ali
Mr. Sayantak Das
Mr. Sarban Bhattacharjee

... for the petitioner

The petitioner is the plaintiff in Title Suit No.88 of 2017, which is pending before the learned Civil Judge (Junior Division), 2nd Court, Alipore, South 24 Parganas. It is submitted that five applications – one under Order 7 Rule 11 and four under Order 12 Rule 2 of the Code of Civil Procedure, are pending disposal. The petitioner prays for expeditious disposal of the suit as also the pending applications.

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, as per the seriality they deserve. Thereafter, on the outcome of the said applications, the learned court below shall proceed with the suit and dispose of the same expeditiously, 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.

Petitioner is 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.)