

July 20, 2023
Sl. No.103
Court No.19
s.biswas

CO 3613 of 2022

Subhasis Gupta
vs.
Subhojit Dutta Roy and another

Mr. Aniruddha Chatterjee
Mr. Saptarshi Kumar Mal

... for the petitioner

The petitioner is the plaintiff in Title Suit No.1058 of 2021, which is pending before the learned Civil Judge (Senior Division), 5th Court, Alipore, South 24 Parganas. The petitioner prays for disposal of the said suit. According to the petitioner, the opposite parties have not complied with the court's order and hence, an application has been filed for striking out the defence. This court declines to make any observation on the merits of the said application. However, if there is an application pending, the same must be disposed of upon giving adequate opportunity to all the parties to contest the same. The application as also the suit should be disposed of within reasonable time.

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 pending application as also the suit, expeditiously.

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 parties, would not be necessary. The prayer is innocuous.

It is not clear to the court whether the suit is ready as regards service. Hence, the learned court below or learned Judge-in-Charge of the said court shall ensure that the suit is ready as regards service and thereafter, make a serious endeavour to decide the pending applications within a period of two months from the next date fixed. The suit shall be disposed of upon disposal of the application, without granting unnecessary adjournments to either of the parties, preferably within a year. 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.)