

30.06.2023
Court No. 19
Item no.52
CP

C.O. 3741 of 2022

Smt. Soma Ghosh (Mondal)
Vs.
Shri Rajesh Mondal

Mr. Md. Younush Mondal
....for the petitioner.

The petitioner is the plaintiff in Title Suit No. 263 of 2016 which is pending before the learned Civil Judge, (Senior Division), 1st Court, Barasat. The petitioner prays for expeditious disposal of the suit. It is submitted that an application under Order 39 Rules 1 and 2 as also an application under Order 39 Rule 7 of the Code of Civil Procedure have not been disposed of as yet.

The prayer of the petitioner 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 and, hence, there is no requirement for service of prior notice upon the opposite party.

Having considered the age of the suit and long pendency of the applications, the revisional application is disposed of with a direction upon the learned court below to dispose of the pending applications within a period of three months from the next date fixed. Thereafter, the suit shall proceed and

be disposed of within the following year, without granting unnecessary adjournments.

This court has not expressed any opinion on the merits of the said pending applications and also on 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 party and/or the learned advocates contesting the matter on behalf of the opposite party 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.)