

December 18, 2023
Sl. No.288
Court No.19
s.biswas

CO 4225 of 2023

Sri Gautam Nundy

vs.

Sri Adwaita Charan Nundy and others

Mr. Abhidipto Tarafdar

Ms. Dolan Saha

... for the petitioner

The plaintiff prays for expeditious disposal of Misc. Case No.732 of 2012, arising out of Title Execution Case No.44 of 2011. The title execution case was filed from the judgment and decree passed in Title Suit No.2049 of 1993. The execution case is pending before the learned Judge, 9th Bench, City Civil Court at Calcutta.

Considering the long pendency of the misc. case, this court is of the view that justice would be subserved, if the learned court below is directed to dispose of the said misc. case, on an urgent basis.

This court has neither gone into the merits of the misc. case nor into the merits of the title execution case. 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 misc. case, within a period of two months from the next date fixed, without granting

unnecessary adjournments to either of the parties and thereafter proceed with the Title Execution Case No.44 of 2011, upon the outcome of the misc. case. Adequate opportunity shall be granted 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.)