

19.12.2023  
Sl. No.297(DL)  
srm

**C.O. No. 4250 of 2023**

**Mita Mondal Bothra**

**Versus**

**Shelly Mondal Akhtar & Anr.**

Mr. Vinay Kumar Purohit

...for the Petitioner.

The petitioner is the plaintiff who prays for expeditious disposal of Title Suit No.837 of 2021, which is pending before the learned Judge, 9<sup>th</sup> Bench, City Civil Court at Calcutta.

It is submitted that an application which was pending for appointment of a guardian of the sister of the petitioner has become infructuous in view of the fact that the said defendant No.3 has expired. It is submitted that an application has been filed for recording her death.

Considering the submission, this Court is of the view that the prayer of the petitioner for early disposal of the proceedings, 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. Hence, there is no requirement for service of prior notice upon the opposite parties.

Under such circumstances, the revisional application is disposed of, with a direction upon the learned Judge and/or the Judge-in-Charge to dispose of application within a month from the next date fixed, independently and strictly in accordance with law. Upon disposal of the application, the suit should proceed expeditiously and be disposed of in accordance with law, preferably within a period of two years from the next date fixed. Unnecessary adjournments shall not be granted to the parties.

This Court has neither gone into the merits of the application nor into the merits of the suit.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties within a week.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

Parties are to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**