

Item No. 34
04.07.2023
Court. No. 19
GB

C.O. 3983 of 2022

Goutam Kumar Giri & Anr.
Vs.
Niyati Bala Giri & Ors.

Sk. Sahjahan Ali

...for the Petitioners.

The petitioners are some of the defendants in Title Suit No.148 of 2017, which is pending before the learned Civil Judge (Senior Division), 2nd Court at Contai, District-Purba Medinipur.

The petitioners are suffering an order of injunction in the nature of status quo with regard to the nature, character and possession of the property in question with a further direction not to alienate or encumber the suit property.

It is submitted that after the injunction was made absolute, the learned court below fixed the suit for SR and AD in respect of the other defendants who are not appearing. Further allegation is that the other defendants are the men and agents of the plaintiff and did not receive the summons intentionally. This has resulted in the delay of the suit, owing to which the injunction continues and the petitioners continue to suffer.

It also appears that J. Misc. Case No.12 of 2022 is pending in respect of an application under Order 39 Rule 2A of the Code of Civil Procedure.

The records reveal that although several applications were heard by the learned court below, the suit is not ready

with regard to service upon the defendant no.10(Ka) to 10(Ga), 11(Ka), 12(Ka) to 12(Gha) and proper steps were also not taken in respect of defendant no.11(Kha).

It appears that several dates have passed, but the SR and AD in respect of the defendants mentioned hereinabove are incomplete. The learned court below shall take immediate steps to ensure service by directing the plaintiff to take appropriate measures so that service of summons upon the said defendants are effected by invoking the provisions of the Code of Civil Procedure. Repeated directions for SR and Ad have yielded no purpose and hence, the court is required to expedite the issue of putting the said defendants on notice about the suit. Moreover, the court shall ensure that the steps against the defendant no.11(Kha) are taken urgently by the plaintiff. Thereafter, the suit shall proceed in accordance with law and disposed of preferably within a period of one year. J. misc. case shall also proceed on its own merits and the entire lis should be decided within the year as directed.

This Court has not gone into the merits of the suit. An order of expeditious disposal of any litigation enures to the benefit of all the parties and hence prior service of this revisional application upon the opposite parties is not required. The prayer is innocuous.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

Petitioners are directed to serve a copy of the revisional application upon the opposite parties, along with the server copy of this order.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)