

08.02.2024
Sl. No.40(DL)
srm

C.O. No. 18 of 2024

Sri Netai Sarkar

Versus

Smt. Banasree Kundu & Ors.

Mr. Sudipta Kumar Bose,
Ms. Lipika Nath,
Mr. Aniruddha Bandyopadhyay

...for the Petitioner.

The petitioner seeks expeditious disposal of Title Suit No.10 of 2012, which is pending before the learned Civil Judge (Senior Division), 2nd Court at Barasat, North 24-Parganas.

The petitioner submits that by an earlier order dated January 6, 2020, this Court had directed the learned trial Judge to dispose of the suit expeditiously. It is submitted that the said order has not yet been complied with and repeated adjournments were being sought for. The cross-examination of PW1 is going. It is further submitted that learned Advocates are being changed by the opposite parties, only to delay the proceeding.

From the records, it appears that the contention of the petitioner may be partially correct. However, I refrain from making any observation in this regard.

Considering the submissions of the petitioner and age of the suit, this Court is of the view that the prayer of the petitioner for early disposal of the proceeding, 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, this Court directs the learned court below to complete the evidence of the parties within two months from the next date fixed. Thereafter, the suit should be disposed of within six month from completion of the evidence without granting unnecessary adjournments to any of the parties.

This Court has not gone 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.)