

08.02.2024
Sl. No.41(DL)
srm

C.O. No. 22 of 2024

Vivekandnda Paul

Versus

Nanda Rani Paul & Ors.

Mr. Arnab Roy,
Mrs. Sayani Ahmed

...for the Petitioner.

The petitioner prays for expeditious disposal of Title Suit No.437 of 2002 along with all pending applications. The said proceedings are pending before the learned Civil Judge (Senior Division), 1st Court at Barasat, North 24-Parganas.

According to the petitioner, three interlocutory applications are pending, namely, under Order XXXIX Rule 7, Order VI Rule 17 and Order I Rule 10 of the Code of Civil Procedure.

Considering the submissions on behalf of the petitioner and the 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, the revisional application is disposed of, with a direction upon the learned court below to dispose of the pending applications, within a period of five months from the next date fixed, independently and strictly in accordance with law, upon allowing the parties to contest the proceeding. Thereafter, the learned court shall proceed with the suit in accordance with law and dispose of the same preferably within two years from the date of disposal of the applications. Unnecessary adjournments shall not be granted to any of the parties.

This Court has neither gone into the merits of the applications 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.)