

04.04.2024
Ct. No. 19
Item 3379
Cp

CO/101/2024
With
CAN/1/2024

YAJUR FIBRES LIMITED
VS
DHARMENDRA TIWARI AND ORS

Mr. Chayan Gupta
Mr. Sayantan Chatterjee
Mr. Dwip Raj Basu

... for the petitioner.

Affidavit of service is taken on record.

None appears on behalf of the opposite parties. No accommodation is prayed for.

CAN No. 1 of 2024 is an application for restoration of C.O. No. 101 of 2024, which was dismissed for default on February 1, 2024.

Upon perusal of the grounds stated in paragraphs 12 to 15 of the said application, this court is satisfied that the petitioner was prevented by sufficient cause from appearing before the court when the application was called on.

CAN No. 1 of 2024 is allowed. The order dated February 1, 2024 is recalled.

The application is restored to its original file and number.

Re: C.O No. 101 of 2024

The petitioner prays for expeditious disposal of the Title Suit No. 147 of 2021, which is pending before the learned Civil Judge (Senior Division) at Uluberia.

It is submitted that three applications are pending. One is under Order 1 Rule 10 of the Code of Civil Procedure, the second is under Order 5 Rule 17 of the Code of Civil Procedure and third is under Order 40 Rule 1 of the of the Code of Civil Procedure. It is also stated that the said applications are pending for a year.

The prayer of the petitioner 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.

The revisional application is disposed of with a direction upon the learned court to dispose of the applications within five months from the next date fixed, as per the seriality they deserve. Adequate opportunity shall be granted to the parties to contest the same. After the disposal of the applications, the learned court shall make sincere endeavour to dispose of the suit within a year.

This court has not expressed any opinion on the merits of the applications and the suit. The learned court shall proceed independently and in accordance with law.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties and/or the learned advocate contesting the matter on behalf of the opposite parties in the learned court below, within a week.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)