

29.01.2024
Sl. No.172(DL)
srm

C.O. No. 102 of 2024
Md. Momin Ali Laskar
Versus
Sri Raghu Nandan Pandey & Ors.

Mr. Sounak Bhattacharya,
Mr. Chandra Nath Sarkar,
Mr. Sounak Mondal

...for the Petitioner.

The petitioners seeks expeditious disposal of Title Suit No.63 of 2009, which is pending before the learned Civil Judge (Junior Division), 1st Court at Baruipur, South 24-Parganas along with an application under Order VII Rule 11 of the Code of Civil Procedure.

It is submitted that no other applications are pending and the suit is at the stage of framing of issues.

Considering the submissions, 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 court below to dispose of the application within a month 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 six months from the date of disposal of the application. Unnecessary adjournments shall not be granted to any of 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.)