

29.01.2024
Sl. No.173(DL)
srm

C.O. No. 140 of 2024

Jalal Khan

Versus

Sk. Jairuddin & Ors.

Mr. Amit Baran Das,
Ms. Ankana Sarkar

...for the Petitioner.

The plaintiff/decreed-holder, seeks expeditious disposal of Misc. Appeal No.17 of 2014, which is pending before the learned Civil Judge (Senior Division), 1st Court at Contai, Purba Medinipur.

The suit was decreed ex parte. The defendant/judgment debtor filed an application under Order IX Rule 13 of the Code of Civil Procedure along with an application for condonation of delay. The application under Section 5 of the Limitation Act was dismissed. Misc. Appeal No.17 of 2014 was preferred. The Misc. Appeal is pending.

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 misc. appeal within a period of six months from the next date fixed, independently and strictly in accordance with law, upon allowing the parties to contest the proceeding. Unnecessary adjournments shall not be granted to any of the parties.

This Court has not gone into the merits of the misc. appeal.

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.)