

05.03.2024
Court No. 19
Item no.30
CP

C.O. No. 189 of 2024

Sri Rama Prasad Bandhopadhyay @ Banerjee & Anr.

Vs.

Smt. Shibani Dey

Mr. Swagatam Deb

.....for the petitioners.

The petitioners pray for expeditious disposal of the O.S. No. 22 of 2022, which is pending before the learned Additional District Judge, 3rd Court at Barrackpore.

It is submitted that the suit is at the stage of evidence. It is also contended that an application challenging the maintainability of the proceeding has been filed by the opposite party.

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 party.

The revisional application is disposed of with a direction upon the learned court below to dispose of the said application within two months from the next date fixed. Adequate opportunity shall be granted to the parties to contest the same. On the outcome of the application, the suit shall be

expedited and if found maintainable should be disposed of within six months.

This court has not expressed any opinion on the merits of the application 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 party and/or the learned advocate contesting the matter on behalf of the opposite party 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.)