

29.01.2024
Sl. No.174(DL)
srm

C.O. No. 190 of 2024

Jagadish Halder

Versus

Biswajit Halder & Ors.

Mr. Sounak Bhattacharya,
Mr. Sounak Mondal,
Mr. Abhirup Halder,
Mr. Anirban Saha Ray

...for the Petitioner.

The petitioner is the plaintiff in Title Suit No.437 of 2017, which is pending before the learned Civil Judge (Senior Division), 2nd Court at Baruipur, South 24-Parganas.

It is submitted that the suit was decreed in preliminary form, *ex parte*. It is submitted that an application for addition of party was filed in the suit. It is further submitted that a misc. case is still pending, for setting aside the *ex parte* decree.

Considering such submissions, 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 misc. case within a period of four 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. case.

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.)