

08.02.2024
Court No. 19
Item No.47
Cp

C.O. No. 230 of 2024

Nayan Kumar

Vs.

P.C. Mitter & Company Private Limited & Ors.

Mr. Arnab Roy

Ms. Sayani Ahmed

Mr. Purnendu Shekhar Ghosh

.....for the petitioner.

The petitioner prays for expeditious disposal of the pending applications in connection with Title Suit No. 404 of 2021, which is pending before the learned Civil Judge (Senior Division), 1st Court, Barasat.

It is submitted that four applications are pending. One of such applications being an application under Section 8 of the Arbitration and Conciliation Act, 1996. The other applications are for injunction, amendment of pleadings and under Section 21 of the Code of Civil Procedure.

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.

In my opinion, justice would be subverted if the learned court below is directed to dispose of the application under Section 21 of the Code of Civil

Procedure, which is heard in part, within a period of one month from date. On the outcome of the said application, the learned court shall proceed in accordance with law and if the suit continues before the learned court, the other applications shall be disposed of within the next three months. Adequate opportunity shall be granted to the parties to contest the same.

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.

The petitioner will be entitled to file a put up petition with a server copy of this order, upon service of the same upon the opposite parties praying for pre-ponement of the date.

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.)