

Item No.10
01.04.2024
Court. No. 19
GB

C.O. 245 of 2024

Jahanara Khatun @ Jahanara Bibi & Ors.

Vs.

Abdul Rouf & Ors.

Mr. Ramkrishna Bhattacharya,

Mr. Kaushik Chowdhury,

Mr. Sabyasachi Hazra

...for the Petitioners.

By this application, the petitioners seek expeditious disposal of Partition Suit No.134 of 2020, which is pending before the learned Civil Judge (Senior Division) at Islampur, District – Uttar Dinajpur.

It is submitted that the suit has been pending since long and justice would be sub served if the same is disposed of on urgent basis. The records as annexed to the revisional application, indicate that dates were fixed for the defendant nos. 2 to 4 to file their written statement and for steps, upon death of the defendant no.1.

This Court is unable to ascertain the exact stage of the suit. However, considering the submissions, this Court is of the view that the prayer of the petitioners 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 to make a sincere endeavour to dispose of the suit within the

next two years. Adequate opportunity shall be given to the parties to contest the same.

This court has not expressed any opinion on the merits of 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 parties and/or the learned advocate contesting the matter on behalf of the opposite parties in the learned court below.

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.)