

Item No.7
08.03.2024
Court. No. 19
GB

C.O. 246 of 2024

Tuhin Mukherjee
Vs.
Smt. Sutapa Das & Anr.

*Mr. Chayan Gupta,
Mr. Shoham Sanyal,
Mr. Sumit Biswas,
Ms. R. Bhowmick*

...for the Petitioner.

The petitioner is the defendant in Title Suit No.126 of 2022, which is pending before the Learned Civil Judge (Junior Division), 2nd Court at Alipore.

It is submitted that the suit was proceeding ex parte against the petitioner. The petitioner filed an application for vacating the order by which the suit was fixed for ex parte hearing. It is submitted that the said application has been pending since long and should be disposed of on merits before any other pending application is taken up.

Considering the submissions, this Court is of the view that 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.

The revisional application is disposed of with a direction upon the learned court below, to dispose of the application for vacating within a period of one month from the date of communication of this order. Adequate opportunity shall be given to the parties to contest the same.

The petitioner shall be entitled to pray for preponement of the date if any later date has been fixed by the learned court. All steps shall be taken upon notice to the opposite parties and upon serving a copy of the application upon the opposite parties.

This court has neither expressed any opinion on the merits of the suit or on the merits of the application. 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.)