

13.02.2024
Ct. No. 19
Sl. No.43
Cp

C.O. No. 296 of 2024

Smt. Sumita Sikder
Vs.
Smt. Krishna Das & Anr.

Mr. Prantik Ghosh
Mr. Prasad Bhattacharyya
Mr. Sandip Dutta

... for the Petitioner.

The petitioner/plaintiff prays for expeditious disposal of Title Suit No. 356 of 2015, which is pending before the learned Civil Judge (Senior Division), 3rd Court at Barasat. It is submitted that the preliminary decree was challenged in a Title Appeal, but the Title Appeal was dismissed. At this stage, the petitioner prays that the final decree be passed upon acceptance of the commissioner's report.

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.

This court is not in a position to pass any order for acceptance of the commissioner's report. It is upto the learned court whether to accept the commissioner's report or not. However, this court is of the view that if

there are no further appeals from the dismissal of the Title Appeal, the learned court should take expeditious steps to dispose of the said suit by passing the final decree in accordance with law, upon granting all parties to the proceeding, adequate opportunity to contest the same.

This court has not expressed any opinion on the merits of the proceedings. The learned court shall proceed independently and in accordance with law.

The petitioner is at liberty to file an urgent application before the learned court below, seeking return of the records from the court of the learned appellate court.

The entire exercise should be completed within a period of six months from the date of filing of the commissioner's report.

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.)