

Item No.59
07.03.2024
Court. No. 19
GB

C.O. 369 of 2024

Pushan Ghosh & Anr.
Vs.
Hari Narayan Ghosh & Ors.

Mr. Sagnik Mukherjee

...for the Petitioners.

By this application, the petitioners pray for expeditious disposal of Partition Suit No.378 of 2022, which is pending before the learned Civil Judge (Senior Division) at Kandi, Murshidabad.

It appears that the suit has been fixed for hearing of injunction application and for filing of the written statement.

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.

The revisional application is disposed of with a direction upon the learned court below, to dispose of the injunction application within a period of three months from the next date fixed. Thereafter the suit shall proceed expeditiously. Adequate opportunity shall be given to the parties to contest the same.

This court has neither expressed any opinion on the merits of suit nor on the merit of the applications. 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.)