

12.03.2024
Sl. No.10(DL)
srm

C.O. No. 397 of 2024
IIFL Home Finance Ltd.
Versus
Sital Kumar Chowdhury & Ors.

Mr. Jayanta Datta,
Mr. Biman Kumar Saha,
Mr. Atanu Mondal

...for the Petitioner.

The petitioner prays for expeditious disposal of Title Suit No.60 of 2021 which is pending before the learned Civil Judge (Junior Division), 1st Court at Barasat, North 24-Parganas.

It is submitted that an application filed at the instance of the defendant No.3, for rejection of the plaint is also pending.

Considering the submission, this Court is of the view that the prayer of the petitioner, for early disposal of the proceeding, 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.

However, unless the pending application is decided, it would be incorrect to direct disposal of the suit expeditiously.

Accordingly, the revisional application is disposed of, with a direction upon the learned court to dispose of the application under Order VII Rule 11 of the Code of Civil Procedure , within a period of three months from the next date fixed, independently and strictly in accordance with law, upon allowing the parties to contest the proceeding. Thereafter, on the result of such application, the learned court shall proceed with the suit. Unnecessary adjournments shall not be granted to any of the parties.

This Court has neither gone into the merits of the application nor into the merits of the suit.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties within a week.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)