

Item No.174
01.02.2024
Court. No. 19
GB

C.O. 315 of 2022

Samim Ara Begam
Vs.
Bijon Ali & Ors.

Mr. Ziaul Haque,
Mr. Suman Kumar Bhattacharya

...for the Petitioner.

By this application, the petitioner seeks expeditious disposal of the Partition Suit No.139 of 2011, which is pending before the learned Civil Judge (Senior Division), Jangipur, Murshidabad.

It is submitted that the suit has not progressed at all. It is also submitted that no interlocutory application is pending.

The truth, correctness and veracity of such submission are not necessary to be looked into as it is an admitted position that the suit is pending since 2011.

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 suit at least in preliminary form within a period of one year from the next date fixed. 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.)