

07.03.2024
Sl. No.63(DL)
srm

C.O. No. 452 of 2024

Smt. Sujata Biswas

Versus

Sri Surajit Sarkar

Mr. Supratim Dhar,
Mr. Gopal Das,
Mr. Sourav Jana

...for the Petitioner.

The petitioner is the opposite party in Misc. Case No.34 of 2022, which is pending before the learned Civil Judge (Senior Division) at Sealdah. The petitioner seeks expeditious disposal of the misc. case. The misc. case was filed by the opposite party for setting aside an *ex parte* decree.

It is submitted that the opposite party sought for adjournments on nine occasions and the hearing of the application under Order IX Rule 13 of the Code of Civil Procedure has been stalled.

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 party.

Under such circumstances, the revisional application is disposed of, with a direction upon the learned court to dispose of the misc. case, 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. Unnecessary adjournments shall not be granted to any of the parties.

This Court has not gone into the merits of the misc. case.

A copy of the revisional application along with a server copy of this order be served upon the opposite party 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.)