

23.04.2024
Court No. 19
Item no.13
CP

CO/512/2024

INJAMUL HAQUE SARDAR
VS
MAYAJJEM HOSSAIN GHARAMI AND ORS.

Mr. Bidyut Kr. Halder
Mr. Indranil Halder

.....for the petitioner.

Mr. Haradhan Banerjee
Mr. P.P. Mukhopadhyay
Mr. Nilmoni Das

....for the opposite party nos. 1 & 2.

The petitioner prays for expeditious disposal of Title Suit No. 117 of 2015, which is pending before the learned Civil Judge (Senior Division), 7th Court, Alipore.

It appears that an application under Order 7 Rule 11 of the Code of Civil Procedure and the application for temporary injunction, are pending.

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 non-appearing opposite parties.

The revisional application is disposed of with a direction upon the learned court to dispose of the pending applications within four months from the

next date fixed. Adequate opportunity shall be granted to the parties to contest the same. Thereafter, the learned court is requested to proceed with the suit expeditiously in accordance with law, provided that the application under Order 7 Rule 11 of the CPC fails. Thus, disposal of the suit will depend on the final outcome of the application for rejection of the plaint.

This court has not expressed any opinion on the merits of the application and 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 other than opposite party nos. 1 and 2 and/or the learned advocate contesting the matter on behalf of the opposite parties other than opposite party nos. 1 and 2 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.)