

22.03.2024
Sl. No.7(DL)
srm

C.O. No. 676 of 2024
Smt. Shuvra Chattopadhyay
Versus
Shri Ashoke Tarafdar

Mr. Manas Dasgupta

...for the Petitioner.

The petitioner prays for expeditious disposal of an application filed under Section 151 of the Code of Civil Procedure in connection with Title Suit No.1074 of 2021 as also the suit. The proceedings are pending before the learned Civil Judge (Senior Division), 7th Court at Alipore, South 24-Parganas.

It is submitted that the said application is pending for almost two years.

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 application within a month from the next date fixed, independently and strictly in accordance with law, upon allowing the parties to contest the proceeding. Thereafter, the learned court shall proceed with the suit in accordance with law and make an endeavour to dispose of the same within a year from the date of disposal of the application. Unnecessary adjournments shall not be granted to any of the parties.

This Court reposes trust that the learned court shall dispose of the application, as directed, in view of the long pendency thereof.

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 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.)