

Item No.15
20.03.2024
Court. No. 19
GB

C.O. 718 of 2024

Manick Chand Shaw & Anr.
Vs.
Sanjib Mondal

Mr. Dipankar Dhar,
Mr. Rudra Dhar

...for the Petitioners.

The petitioners pray for expeditious disposal of two applications, one being under Order 39 Rules 1 and 2 of the Code of Civil Procedure and the other under Order 39 Rule 4 of the Code of Civil Procedure, filed in connection with Title Suit No.1379 of 2023. The proceedings are pending before the learned Judge, 3rd Bench, City Civil Court at Calcutta.

Considering the submissions, this Court is of the view that the prayer of the petitioners 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.

The revisional application is disposed of with a direction upon the learned court below to dispose of the applications within a month from the next date fixed. Adequate opportunity shall be given to the parties to contest the same.

This Court has neither expressed any opinion on the merits of the application nor 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 party and/or the learned advocate contesting the matter on behalf of the opposite party 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.)