

Item No.17
03.04.2024
Court. No. 19
GB

C.O. 735 of 2024

Smt. Subhra (Das) Sarkar
Vs.
Shri Kausik Das

*Mr. Sounak Bhattacharya,
Mr. Sounak Mondal*

...for the Petitioner.

By this application, the petitioner seeks expeditious disposal of the Title Appeal No.44 of 2022, which is pending before the learned District Judge at Barasat, District – North 24 Parganas.

The petitioner draws the attention of the Court to the long pendency of the application for stay. The petitioner submits that the decree cannot be executed due to the pendency of the application.

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 party.

Under such circumstances, the revisional application is disposed of with a direction upon the learned court to dispose of the application for stay within a period of two months from the next date fixed, strictly in accordance with law. Upon disposal of the application, the learned court shall make a sincere endeavour to dispose of the appeal within a year.

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 appeal. The learned court shall proceed independently and in accordance with law.

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.)