

14.03.2024
Sl. No.12(DL)
srm

C.O. No. 759 of 2024

Sk. Syeed Ahmed

Versus

Mrs. Munawar Jahan

Mr. S.T. Mina,
Mr. Pratick Sardar

...for the Petitioner.

The petitioner prays for expeditious disposal of Ejectment Suit No.290 of 2010 which is pending before the learned Civil Judge (Junior Division), 2nd Court at Alipore, South 24-Parganas.

It is stated that the suit is at the stage of evidence. During the pendency of the suit, an application for repair has been filed by the tenant. It is contended that pendency of the application is delaying the disposal of the suit.

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 applications, 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 dispose of the suit within a period of six months, irrespective of the outcome of the application for repair. Unnecessary adjournments shall not be granted to any of the parties.

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.)