

Item No.15
14.03.2024
Court. No. 19
GB

C.O. 796 of 2024

Chapala Das
Vs.
Anita Paul & Ors.

Mr. Animesh Paul

...for the Petitioner.

The petitioner prays for expeditious disposal of the Title Suit No.161 of 2016, which is pending before the Learned Civil Judge (Senior Division), 3rd Court at Howrah, along with two other applications, one for substitution and the other for injunction.

It is submitted that those applications are pending since 2016.

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 parties.

The revisional application is disposed of with a direction upon the learned court below to dispose of the application for substitution within a week from the next date fixed. Upon disposal of the application for substitution, the application for injunction shall be decided within a period of three months. Thereafter, the learned court shall make all endeavour to dispose of the suit within a period of one 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 applications 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 parties and/or the learned advocate contesting the matter on behalf of the opposite parties 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.)