

11.03.2024
Sl. No.11(DL)
srm

C.O. No. 802 of 2024
Sri Sushil Kumar Mishra
Versus
Sri Shatrughna Prasad Singh & Anr.

Mr. Amit Baran Dash,
Ms. Ankana Sarkar

...for the Petitioner.

The petitioner is the plaintiff who prays for expeditious disposal of the application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure filed in connection with Title Suit No.812 of 2022. The proceedings are pending before the learned Civil Judge (Junior Division), 1st Court at Alipore, South 24-Parganas.

It is submitted that objection to the said application has been filed.

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 parties.

Under such circumstances, the revisional application is disposed of, with a direction upon the learned court to dispose of the pending application, within a period of two months from the next date fixed, independently and strictly in accordance with law, upon allowing the parties to contest the proceeding. Unnecessary adjournments shall not be granted to any of the parties.

This Court has not gone into the merits of the application.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties 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.)