

19.03.2024
Sl. No.29(DL)
srm

C.O. No. 809 of 2024
Smt. Kalpana Mondal
Versus
Sri Balai Chand Mondal & Ors.

Mr. Purbangshu Chandra Mitra,
Mrs. Piyali Mitra,
Ms. Maheswata Mukherjee,
Ms. Rantika Gayen,
Ms. Madhumita Roy,
Ms. Indira Malik

...for the Petitioner.

The petitioner is the defendant No.12 in Title Suit No.88 of 2014, which is pending before the learned Civil Judge (Senior Division) at Diamond Harbour, South 24-Parganas.

It is submitted that three applications are pending. It is also submitted that the suit is at the stage of peremptory hearing and has been fixed as such since 2018.

The petitioner prays for expeditious disposal of the suit along with the pending applications.

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 applications within a period of six month from the next date fixed, independently and strictly in accordance with law, upon allowing the parties to contest the proceedings. Thereafter, the learned court shall proceed in accordance with law and make a sincere endeavour to dispose of the suit within a year from the date of disposal of the applications. Unnecessary adjournments shall not be granted to any of the parties.

This Court has neither gone into the merits of the applications nor into the merits of the suit.

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.)