

16.05.2024  
Ct. No. 19  
Sl. No.05  
Cp

C.O. No. 849 of 2024

Bholanath Malakar  
Vs.  
Rabindra Nath Malakar & ors.

Mr. Jagannath Ganguly  
... for the petitioner.

Affidavit of service is taken on record.

Despite service, none appears to oppose the application.

The petitioner prays for expeditious disposal of Title Suit No. 103 of 1994, which is pending before the learned Civil Judge (Junior Division) Kalna, Purba Burdwan.

It is submitted that no applications are pending. It is also submitted that the preliminary decree has yet not been passed although a survey commissioner was appointed. The survey commissioner also did not file any report.

This court is unable to understand the actual state of affairs. This court also cannot fathom as to why the learned court would require reports from the Burdwan Bar Association. This itself, shows that the court has either been misled or has failed to appreciate the situation.

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 to make sincere endeavour to dispose of the partition suit within one year from the date of communication of this order. Adequate opportunity shall be granted to the parties to contest the same.

This court has not expressed any opinion 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, within a week.

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.)**