

15.03.2024
Court No. 19
Item no.16
CP

C.O. 884 of 2024

M/s. Laxmi Housing Udyog Private Limited
Vs.
Sri Sharad Subramanyan & anr.

Mr. Rahul Karmakar
Ms. Sayanti Nandi
Mr. Sujit Banerjee

.....for the petitioner.

The petitioner prays for expeditious disposal of Title Suit No. 67 of 2016, which is pending before the learned Civil Judge (Senior Division) 4th Court, Alipore.

It is submitted that an application filed under Section 7(3) of the West Bengal Premises Tenancy Act, 1997 (hereinafter referred to as 'the said Act'), is pending. It is also submitted that the tenant did not avail of the opportunity of filing any application under Sections 7(1) and 7(2) of the said Act. The suit is pending since 2016.

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 dispose of the

application within a month from the next date fixed. Thereafter, the suit shall proceed and be disposed of as per the outcome of the application under Section 7(3) of the said Act. The disposal of the suit should be within six months from the date of disposal of the application. Adequate opportunity shall be granted to the parties to contest the application.

This court has not expressed any opinion on the merits of the application and 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.)