

18.04.2024
Sl. No.18(DL)
srm

C.O. No. 934 of 2024
Dafodil Hospital Pvt. Ltd.
Versus
Kanteen India Equipments Co.

Mr. Arnab Roy,
Ms. Sayani Ahmed

...for the Petitioner.

The petitioner is the plaintiffs, who pray for expeditious disposal of Money Suit No.207 of 2018, which is pending before the learned Civil Judge (Senior Division), 2nd Court at Barasat, North 24-Pargans.

It is submitted that the written statement was filed, but as the defendant was not appearing, the learned court had directed the defendant to show as to why the suit shall not proceed *ex parte*. It is further submitted that a show cause has been filed, but no order has been passed in respect thereof.

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 party

Under such circumstances, the revisional application is disposed of, with a direction upon the learned court to dispose of the application by which the defendant has shown cause, within a month from the next date fixed, independently and strictly in accordance with law, upon allowing the parties to contest the proceeding. Thereafter, on the outcome of the said application, the learned court shall proceed with the suit in accordance with law and make a sincere endeavour to dispose of the same 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 application nor into the merits of the suit.

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