

18.04.2024
Sl. No.20(DL)
srm

C.O. No. 1034 of 2024

Iswar Sree Sree Jagadbandhu Thakur Jew & Ors.

Versus

Sri Paritosh Mondal

Mr. Debajyoti Deb,
Ms. Smdyuti Parikh

...for the Petitioners.

The petitioners are the plaintiffs who have filed Ejectment Suit No.224 of 2017. The suit is pending before the learned Civil Judge (Junior Division), 2nd Court at Alipore, South 24-Parganas.

It is submitted that on three earlier occasions the suit was filed for *ex parte* hearing and on the prayer of the defendant, such order fixing the suit for *ex parte* hearing had been vacated. On the fourth occasion as well, the suit was fixed for *ex parte* hearing and an application for vacating the order was filed. The said application was heard, but is yet to be disposed of by appropriate order.

The conduct of the defendant is available from the order sheet annexed to revisional application.

Considering the submission, this Court is of the view that the prayer of the petitioners for early disposal of the

proceeding, is reasonable. 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 said application filed by the defendant seeking vacating of the order by which the suit was lastly fixed for *ex parte* hearing within a period of two months from the next date fixed, independently and strictly in accordance with law. Thereafter, on the outcome of the application, the learned court shall proceed with the suit in accordance with law and make a sincere endeavour to dispose of the same preferably within a year from the date of disposal of the application. Unnecessary adjournments shall not be granted to any of the parties.

This Court has not gone 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.)