

15.04.2024
Sl. No.26(DL)
srm

C.O. No. 1114 of 2024

Smt. Papiya Khan

Versus

Smt. Ashima Saha

Mr. Rishav Singh,
Mr. Sagar Mishra,
Ms. Khushi Gupta,
Mr. Soumalya Dutta

...for the Petitioner.

The petitioner is the plaintiff, who seeks expeditious disposal of Title Suit No.462 of 2021, which is pending before the learned Civil Judge (Junior Division), 5th Court at Alipore, South 24-Parganas.

It appears that more than ten dates had been fixed for SR and AD.

It is submitted by the learned Advocate for the plaintiff/petitioner that service had been effected, but the defendant was not appearing. It is further submitted that although dates had been fixed for SR/AD, but upon inspection of the records the plaintiff found that the defendant had been served.

This Court is not inclined to go into the correctness of such submission. The learned court before whom the suit is pending would be acquainted with the records and the said Judge should proceed with the suit on the basis of the records and what transpires therefrom.

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 proceed with the suit in accordance with law and make an endeavour to dispose of the same within a year from the date of disposal of the application, independently and strictly in accordance with law, upon allowing the parties to contest the proceeding. 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.)