

Item No.1
05.04.2024
Court. No. 19
GB

C.O. 1130 of 2024

Ananda Marga Pracarak Samgha & Ors.
Vs.
Acarya Vishvadevananda Avadhuta & Anr.

Mr. Debasish Roy,
Ms. Manju Manot,
Mr. K.c. Das,
Ms. Anju Manot

...for the Petitioners.

Mr. Piush Chaturvedi,
Mr. Anujit Mookherjee

...for the Opposite Parties.

1. The revisional application arises out of an order dated March 5, 2024, passed by the learned Civil Judge (Senior Division), Additional Court at Purulia.
2. The petitioners contend that the learned court did not fix hearing of their application dated February 26, 2024. According to the learned trial court, while directing expeditious disposal of the pending applications in C.O.4034 of 2023, the High Court did not mention anything about the subsequent application. Thus, the pending application dated August 24, 2022 should be disposed of in terms of the order of the High Court. The petitioners have challenged the said order on the ground that the subsequent application dated February 26, 2024 should also be disposed of by the learned court.
3. Mr. Chaturvedi, learned advocate appearing on behalf of the opposite parties submits that the court did not pass any incorrect order, as the direction of the High Court was expeditious disposal of the pending applications. Mr.

Chaturvedi further submits that the application dated February 26, 2024 was in the guise of an application under Order 6 Rule 18 of the Code of Civil Procedure which was earlier rejected by the learned court.

4. This Court is not required to go into the merits of the application dated February 26, 2024. When the order of this Court was passed, directing expeditious disposal of the pending applications, the application dated February 26, 2024 had not been filed. Thus, there was no scope for this Court to pass any orders for expeditious hearing of the said application which had not even been born. The direction for expeditious disposal was only a guidance or a request to the trial court for speedy disposal of the pending applications which would enure to the benefit of the litigant. The High Court did not impose any procedural formality which was to be complied with by the court. Thus, whenever an application is filed before a court, it is the bounden duty of the court to dispose of the same in the manner the court deems fit. Such independence is enjoyed by the court.
5. Under such circumstances, the controversy in this revisional application with regard to the merits of the application filed by the petitioners and the objections thereto, are irrelevant. Despite the order of this Court directing speed disposal of the pending applications, if there are other applications filed in the meantime, the trial court is required to dispose of all the applications, strictly in accordance with law and on their own merits.

6. Accordingly, the revisional application is disposed of.
7. The learned court shall decide all the pending applications in accordance with law and expeditiously.
8. However, there will be no order as to costs.
9. All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)