

Item No.19
23.04.2024
Court. No. 19
GB

C.O. 1210 of 2024
With
CAN 1 of 2024

Zubaida Hamid
Vs.
Lakshmi Devi & Anr.

Mr. Aniruddha Chatterjee,
Mr. Wasim Ahmed

...for the Petitioner.

Mr. Syed Rahil Faraz

...for the Opposite Parties.

By this application, the petitioner seeks expeditious disposal of an application under Section 151 of the Code of Civil Procedure. The petitioner prayed for recall of an order by which the application under Order 39 Rule 4 of the Code of Civil Procedure was rejected by the learned Civil Judge (Senior Division), 2nd Court at Alipore. The application has been filed in connection with Title Suit No.1245 of 2023.

It is submitted by Mr. Chatterjee, learned advocate for the petitioner that the conduct of the opposite parties should be taken into account by the learned court while deciding the application.

This Court is of the view that no observations are necessary either with regard to the merits of the pending application or with regard to the conduct of the parties. The parties are at liberty to contest the said application and raise all questions in support of their claim and counter-claim.

Under such circumstances, the revisional application is disposed of with a direction upon the learned court to make a sincere endeavour to dispose of the application within a month from the next date fixed. Adequate opportunity shall be granted to the parties to contest the same. No unnecessary adjournments shall be granted to the parties.

This court has not expressed any opinion on the merits of the application. The learned court shall proceed independently and in accordance with law.

The revisional application is accordingly disposed of.

With the disposal of the revisional application, CAN 1 of 2024 is also disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)