

18.04.2024
Sl. No.6(DL)
srm

C.O. No. 1224 of 2024
Sri Sanjiv Basu Mallick
Versus
Sri Saibal Basu Mallick & Anr.

Mr. Chandra Sekhar Banerjee,
Mr. Shamit Dutta

...for the Petitioner.

This matter has wrongly appeared under the heading “To Be Mentioned”, although it was mentioned for expeditious disposal.

The petitioner is the plaintiff, who seeks expeditious disposal of Miscellaneous Case No.21 of 2021 arising out of Title Suit No.176 of 2010. The said application is pending before the learned Civil Judge (Junior Division), 2nd Court at Barasat, North 24-Parganas.

It is submitted that the said misc. case was filed by the opposite party No.1. It appears that the misc. case has been pending for almost three years.

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 parties.

Under such circumstances, the revisional application is disposed of, with a direction upon the learned court to dispose of the misc. case positively within a period of three months from the next date fixed, 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 misc. case.

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