

Item No.8
01.05.2024
Court. No. 19
GB

C.O. 1235 of 2024

Sri Tapan Pradhan & Anr.
Vs.
Srimanta Maity & Ors.

*Mr. Rajdeep Bhattacharya,
Mr. Sanjib Sankar Majumdar,
Mr. Debasish Banerjee*

...for the Petitioners.

By this application, the petitioners seek expeditious disposal of Title Suit No. 32 of 2012, which is pending before the learned Civil Judge (Senior Division) at Diamond Harbour, District – 24 Parganas (South). This is a partition suit.

It is submitted that the preliminary decree has been passed. The partition commissioner was appointed and the report has been filed. Yet, the final decree has not been drawn up. It is further submitted that the report is yet to be accepted.

Considering the submissions, this Court is of the view that the prayer of the petitioners 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 make a sincere endeavour to dispose of suit within a period of six months from the next date fixed, by drawing up a final decree.

Parties will be allowed to make their submissions as also raise objection with regard to the report which has been filed by the partition commissioner, prior to acceptance of the same.

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

A copy of the revisional application, along with a server copy of this order be served upon the opposite parties and/or the learned advocate contesting the matter on behalf of the opposite parties in the learned court below.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)