

16.04.2024
Ct. No. 19
Sl. No. 5
Cp

C.O. No. 1265 of 2023
With
CAN 1 of 2023

On the death of Kalyan Kumar Chakraborty,
his heirs and legal representatives
Vs.
Sri Haripada Chakraborty & ors.

Mr. Sandipan Maity

... for the Petitioner.

CAN 1 of 2023 is an application for substitution of the heirs of sole petitioner who died intestate. The sole petitioner died intestate on May 8, 2023. He left behind the following heirs and legal representatives:-

- a) Smt. Sujata Chakraborty, widow
- b) Anirvan Chakraborty, son
- c) Miss. Vijita Chakraborty, daughter

The application is allowed without any service upon the opposite parties as this is a matter with regard to expeditious disposal of a pending proceeding, for which a contested hearing of the revisional application is not required. Let the heirs and legal representatives of the deceased petitioner be substituted as petitioner No.1(a) to 1(c).

The learned advocate on record for the petitioner is directed to amend the cause title here and now.

Accordingly CAN 1 of 2023 is allowed.

Re: C.O. No. 1265 of 2023

The substituted petitioners pray for expeditious disposal of Title Suit No. 537 of 2019, which is pending before the learned Civil Judge (Senior Division), 7th Court, Alipore.

It is submitted that an application for substitution has also been filed before the learned trial court. It is further submitted that apart from the application for substitution, no other application is pending.

This court is not in a position to ascertain the correctness of such statements.

The prayer of the petitioner 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.

The revisional application is disposed of with a request upon the learned court to make a sincere endeavour to dispose of the suit along with all pending interlocutory applications, if any, within one year from the next date fixed. Adequate opportunity shall be granted to the parties to contest the same.

This court has not expressed any opinion on the merits of the application and 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, within a week.

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.)