

24.04.2024
Sl. No.17(DL)
srm

C.O. No. 1399 of 2024

Purnima Das

Versus

Basudeb Das & Ors.

Ms. Priyanka Mondal

...for the Petitioner.

The petitioner prays for expeditious disposal of an application under Order XXXIX Rule 7 read with Section 151 of the Code of Civil Procedure filed in connection with Title Suit No.680 of 2023. The proceedings are pending before the learned Civil Judge (Senior Division), 2nd Court at Baruipur, South 24-Parganas.

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 application within a period of two 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.

If the learned court before whom the said application is pending is vacant, the petitioner will be at liberty to pray before the learned Judge-in-Charge to take up the application in view of the fact that the petitioner is a 73-year-old lady and she deserves to have the application disposed of at an early date, on its own merits, independently by the learned court.

This Court has not gone into the merits of the application.

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.)