

Item No.17
29.04.2024
Court. No. 19
GB

C.O. 1446 of 2024

Shri Santanu Bose
Vs.
Jharna Bose & Ors.

Mr. Soumyajit Mukherjee

...for the Petitioner.

By this application, the petitioner seeks expeditious disposal of Title Suit No. 23 of 1983, since renumbered as Title Suit No.267 of 2007. The suit is pending before the learned Civil Judge (Senior Division), 1st Court at Alipore, District – 24 Parganas (South). This is a partition suit.

It is submitted that the preliminary decree was passed. The partition commissioner was appointed to effect partition by metes and bounds. The report of the partition commissioner is awaited.

Considering the submissions, this Court is of the view that 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.

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. The parties are allowed to extend arguments on the report.

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.)