

Item No.6
02.04.2024
Court. No. 19
GB

C.O. 1601 of 2023

Barek Kha & Ors.
Vs.
Momina Bewa & Ors.

Mr. Himadi Kumar Mahata

...for the Petitioners.

By this application, the petitioners seek expeditious disposal of an application filed under Section 5 of the Limitation Act for condonation of delay in filing the Title Appeal No.14 of 2018, which is pending before the learned Additional District Judge, Chanchal.

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 dispose of the application within a period of two months from the next date fixed. On the fate of the application the learned court shall proceed with the title appeal and if the appeal is admitted, the learned court shall make a sincere endeavour to dispose of the same within a year from its admission. Adequate opportunity shall be given to the parties to contest the same.

This court has neither expressed any opinion on the merits of the application nor on the merits of the appeal. The learned court shall proceed independently and in accordance with law.

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.)