

18.04.2024
Sl. No.11(DL)
srm

C.O. No. 3615 of 2023
Sri Utpal Sarkar & Ors.
Versus
Sonali Das & Ors.

Ms. Kavita Rani

...for the Petitioners.

The petitioners pray for expeditious disposal of Original Suit No.7 of 1998, which is pending before the learned Additional District Judge, 9th Court at Alipore, South 24-Parganas.

It is submitted that the tin box in which the exhibits had been kept was missing and the suit has unnecessarily dragged as the tin box has not yet been traced out. It is further submitted that the suit is at an advanced stage and direction should be passed for expeditious of the same.

This Court has not gone into the correctness of such submission. However, the order sheet reflects that the learned court had directed the office to trace out the tin box.

Considering the submission, this Court is of the view that the prayer of the petitioners 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 make a sincere endeavour to dispose of the suit along with the application within a year from the next date fixed, independently and strictly in accordance with law, upon allowing the parties to contest the proceeding and upon ensuring that the tin box is traced out. Unnecessary adjournments shall not be granted to any of the parties.

This Court has neither gone into the merits of the application nor into the merits of the suit.

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.)