

15.04.2024
Sl. No.10(DL)
srm

C.O. No. 3665 of 2023

Zeyaul Hassan

Versus

Tanveer Alam & Ors.

Mr. Manas Malakar

...for the Petitioner.

The petitioner prays for expeditious disposal of Title Suit No.1249 of 2021, which is pending before the learned Judge, 12th Bench, City Civil Court at Calcutta.

It is submitted that none appeared on behalf of the defendants and the suit was heard *ex parte*. Thereafter, one of the defendants entered appearance after the conclusion of the arguments. The said defendant filed an application seeking service of a copy of the plaint. The application is pending. It is further submitted that the said defendants, however, did not make any prayer before the learned court to vacate the order by which the suit was fixed for *ex parte* hearing. The correctness of such submissions are not gone into.

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.

This Court is not inclined to go into the merits of such submissions or the correctness thereof.

Under such circumstances, since the suit has been pending since 2021, this Court is of the view that the same should be disposed of within a year from the next date fixed, independently and strictly in accordance with law, as the learned court deems it fit and proper, upon allowing the parties to contest the proceeding. Unnecessary adjournments shall not be granted to any of the parties.

This Court has not gone 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.)