

19.03.2024
Court No. 19
Item no.17
CP

CO/4056/2023

MIR MAHFUR ALI AND ORS
VS
MIR ABDUL LATIF AND ORS

Mr. Syed Shamsul Arefin

....for the petitioners.

The petitioners pray for expeditious disposal of the Title Suit No. 295 of 2021, which is pending before the learned Civil Judge (Senior Division) 1st Court, Baruipur.

It is submitted that an application under Order 7 Rule 11 of the Code of Civil Procedure is pending.

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.

The revisional application is disposed of with a direction upon the learned court below to dispose of the application within one month from the next date fixed. Adequate opportunity shall be granted to the parties to contest the same. Thereafter, on the outcome of the said application, the learned court shall make sincere endeavour to dispose of the suit expeditiously, preferably within a year from the disposal of the application.

This court has not expressed any opinion on the merits of the application and 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, within a week.

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.)