

Item No.2
01.05.2024
Court. No. 19
GB

C.O. 4064 of 2023

Babulal Surana & Ors.
Vs.
Sanjoy Sinha & Ors.

Mr. Souradipta Banerjee,
Mrs. Fatima Hassan

...for the Petitioners.

By this application, the petitioners seek expeditious disposal of the counter-claim, which has been filed in connection with Title Suit No.98 of 2011. The proceedings are pending before the learned Judge, 2nd Bench, City Civil Court at Calcutta.

It is submitted that the suit has been dismissed but the counter-claim is pending decision. The counter-claim is at the stage of evidence. It is further submitted that already a prior order directing expeditious disposal of the counter-claim had been passed. During the proceeding, the plaintiffs therein filed an application under Section 151 of the Code of Civil Procedure for certain reliefs.

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.

In my view, unless the said application is decided, the counter-claim cannot be proceeded with. Thus, the learned

court is directed to dispose of the application on its own merits within a period of four months from the next date fixed. Thereafter, the learned court shall proceed with the counter-claim and make sincere endeavour to dispose of the same within the next four months. Adequate opportunity shall be given to the parties to contest the same.

This court has neither expressed any opinion on the merits of the counter-claim nor on the merits of the application. 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.)