

January 31, 2024
Sl. No.8
Court No.19
s.biswas

CO 4122 of 2023

Sri Ashish Kumar Roy
vs.
Union of India and others

Mr. S. S. Bhutoria

... for the petitioner

The petitioner is aggrieved by an order dated August 29, 2023, passed by the learned Additional District Judge, 15th Court at Alipore, in Title Appeal No.14 of 2020.

It is submitted that the adjournment petition of the respondents have been allowed and the application under Section 5 of the Limitation Act is yet to be disposed of. Several dates had been fixed in the past, for hearing of the said application.

The petitioner is rightly aggrieved. The case status report has been provided before this court, which shows that the application for condonation of delay in filing the appeal has been fixed for hearing on several dates. Four years have passed since the application is pending.

Under such circumstances, this court is of the view that justice would be subserved, if the learned court below is directed to dispose of the said application filed under Section 5 of the Limitation Act, on an urgent basis.

This court has not gone into the merits of the application. An order of expeditious disposal of any litigation, enures to the benefit of all the parties. Hence, prior service of this revisional application upon the opposite parties, would not be necessary. The prayer is innocuous and very reasonable.

This court finds that no useful purpose will be served by setting aside the order impugned. However, the petitioner is granted liberty to approach the learned court below by filing a put up petition to seek preponment of the date of hearing and such put up petition shall be served upon the learned advocates appearing in the learned court of appeal below for opposite parties. The learned court of appeal below, upon preponing the date, shall dispose of the application for condonation of delay within a week therefrom. No further adjournment shall be granted to any of the parties, as the application for condonation of delay cannot be kept pending for more than four years.

The learned court below shall proceed strictly in accordance with law and independently.

Petitioner is directed to serve a copy of this revisional application along with the server copy of this order upon the opposite parties.

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)