

February 1, 2024
Sl. No.178
Court No.19
s.biswas

CO 4176 of 2023

ABC India Limited
vs.
Urbane Styles

Mr. Supratim Laha
Mr. Bikash Shaw
Mr. Sekh Nafisul Islam

... for the petitioner

Mr. Amritam Mandal
Mr. Anil Chowdhury
Ms. Shipra Naskar

... for the opposite party

The petitioner is the husband in Ejectment Appeal No.08 of 2021, which is pending before the learned Additional District Judge, 1st FTC at Alipore, South 24 Parganas.

The petitioner is aggrieved by the inordinate delay in disposal of the appeal.

Learned advocate for the opposite party submits that a revisional application being CO 354 of 2022 filed by the petitioner challenging the quantum of occupational charges granted by the learned lower appellate court is pending and unless the said revisional application is disposed of, this order should not be passed directing expeditious disposal of the title appeal.

I do not find any connection between the pendency of the revisional application which is with regard to the quantum of occupational charges and the prayer for expeditious disposal of the appeal, made this proceeding.

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 appeal, on an urgent basis.

This court has not gone into the merits of the appeal. An order of expeditious disposal of any litigation, enures to the benefit of all the parties. The prayer is innocuous and very reasonable.

The revisional application is disposed of with a direction upon the learned court below to dispose of the pending appeal, within a period of six months from the next date fixed, without granting unnecessary adjournments to either of the parties and upon granting adequate opportunity to the opposite parties to contest the proceedings.

The civil revisional application will be decided on its own merits, solely on the quantum. Such decision shall neither affect the merits of the appeal nor affect the early disposal of the appeal.

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

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.)

