

29.02.2024
Sl. No.38(DL)
srm

C.O. No. 4238 of 2023

Fakrujjaman & Ors.

Versus

Fyjul Biswas & Ors.

Mr. Mohan Kumar Sanyal,
Mr. Dwipayan Sanyal,
Mr. Arunesh Pathak

...for the Petitioners.

The petitioners are the plaintiffs, who pray for expeditious disposal of Misc. Case No.6 of 2017, filed in connection with Partition Suit No.15 of 2006, by the opposite parties.

It is submitted that a preliminary decree was passed sometime in 2012. The partition commissioner submitted his report in September, 2018. It is contended by the petitioners that the misc. case is misconceived and the opposite parties are praying for unnecessary adjournments.

Considering the submission, this Court is of the view that the prayer of the petitioners 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.

Under such circumstances, the revisional application is disposed of, with a direction upon the learned court below to dispose of the misc. case, within a period of six months from the next date fixed, independently and strictly in accordance with law, 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 misc. case.

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.)