

February 1, 2024
Sl. No.182
Court No.19
s.biswas

CO 4317 of 2023

Samir Saha
vs.
Asit Saha and others

Mr. Ashis Kr. Mukherjee
Mr. Saurabh Prasad

... for the petitioner

The petitioner seeks expeditious disposal of the Municipal Appeal Case No.03 of 2022, which is pending before the learned Civil Judge (Junior Division) at Bidhannagar. The appeal is pending since 2022. It is further submitted that interim application for stay of demolition has been filed and the demolition has been stayed. Such interim order has been extended from time to time.

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 as also the application, on an urgent basis.

This court has neither gone into the merits of the application nor gone into the merits of the appeal. 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.

The revisional application is disposed of with a direction upon the learned court below to dispose of the pending application and the 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 demolition shall be stayed till such disposal. The learned court below shall proceed strictly in accordance with law and independently and peremptorily.

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.)