

Item No.3
01.05.2024
Court. No. 19
GB

C.O. 4414 of 2023

M/s. Dwarka Das Rathi & Others (HUF)
Represented by Sri Ramesh Kumar Rathi & Anr.
Vs.
Mr. Jagannath Saha

Mr. Souradipta Banerjee,
Mrs. Fatima Hassan

...for the Petitioners.

By this application, the petitioners seek expeditious disposal of Miscellaneous Case No.5538 of 2022, which has been filed in connection with Title Suit No.580 of 2020 by the plaintiff/opposite party. The proceedings are pending before the learned Judge, 6th Bench, City Civil Court at Calcutta.

It is submitted that the said misc. case has been dragging for a while.

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 party.

Under such circumstances, the revisional application is disposed of with a direction upon the learned court to make a sincere endeavour to dispose of the misc. case within a month from the next date fixed. Adequate opportunity shall be given to the parties to contest the same.

This court has not expressed any opinion on the merits of the misc. case. 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 party and/or the learned advocate contesting the matter on behalf of the opposite party 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.)