

Item No. 33
13.02.2024
Court. No. 19
GB

C.O. 4432 of 2023

Gouri Mitra & Anr.
Vs.
Jyotsna Das

Mr. Debarshi Brahma

...for the Petitioners.

By this application, the plaintiffs/petitioners seek expeditious disposal of the Title Suit No.680 of 2022, which is pending before the learned Civil Judge (Senior Division), 8th Court at Alipore, South 24 Parganas.

It appears from the record that the suit was fixed for ex parte hearing. Thereafter, the defendant filed the written statement along with show cause petition as also a petition for vacating the order by which the suit has been fixed for ex parte hearing.

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.

This court is of the view that the pending application for vacating the order by which the suit was fixed for ex parte hearing, should be disposed of within a month from the next date fixed. On the outcome of the said application, the suit shall proceed in accordance with law. Adequate opportunity shall be given to the parties to contest the same.

This court has not expressed any opinion either on the merits of the application or on the merits of the suit. 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.)