

30.01.2024
Court No. 19
Item no.180
CP

C.O. No. 4485 of 2023

Manorama Mondal & Ors.

Vs.

Samarendra Nath Das

Mr. Tarak Nath Halder

.....for the petitioners.

The petitioners are the respondents in Title Appeal No. 26 of 2018, which is pending before the learned Additional District Judge, Fast Track Court, 3rd Court, Barrackpore.

According to the petitioners, the suit for eviction was decreed. The judgment debtors preferred a title appeal. The arguments in the title appeal commenced in 2022, but more than one and a half years has lapsed, but the appeal has not yet been disposed of.

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.

The revisional application is disposed of with a direction upon the learned court below to dispose of the pending appeal within four months from the next date fixed, by delivery of judgment. The appeal is at the stage of arguments.

This court has not expressed any opinion on the merits of the appeal. 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, within a week.

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.)