

Item No. 36
13.02.2024
Court. No. 19
GB

C.O. 4514 of 2023

Smt. Meghna Mehra nee Kundu
Vs.
Smt. Padma Kundu & Anr.

Mr. Dhiraj Trivedi,
Mr. Bikash Kr. Singh,
Mr. Sunil Gupta,
Ms. Swapna Jha

...for the Petitioner.

The defendant no.1 in Title Suit No.311 of 2023, which is pending before the learned Additional Civil Judge (Junior Division), 3rd Court at Alipore, prays for expeditious disposal of the application under Order 39 Rule 4 of the Code of Civil Procedure.

Considering the submissions, this Court is of the view that the prayer of the petitioner 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.

The revisional application is disposed of with a direction upon the learned court below, to dispose of the pending application within a month from the next date fixed. Adequate opportunity shall be given to the parties to contest the same. In the event, the said court is vacant, the application shall be disposed of by the learned Judge in-Charge.

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