

08.02.2024
Sl. No.39(DL)
srm

C.O. No. 4542 of 2023

Judhisthir Naskar

Versus

Biswajit Naskar & Ors.

Mr. Mukteswar Maity,
Ms. Nupur Chaudhuri

...for the Petitioner.

The petitioner prays for early disposal of an application under Order XXXIX Rule 4 of the Code of Civil Procedure in connection with Title Suit No.128 of 2023. The said proceedings are pending before the learned Civil Judge (Senior Division), at Diamond Harbour, South 24-Parganas.

Considering the submissions, this Court is of the view that the prayer of the petitioner for early disposal of the proceeding, 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.

Under such circumstances, the revisional application is disposed of, with a direction upon the learned court below to dispose of the said application, within a period of two months

from the next date fixed, independently and strictly in accordance with law, upon allowing the parties to contest the proceeding. Unnecessary adjournments shall not be granted to any of the parties.

This Court has not gone into the merits of the application.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties within a week.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)