

29.02.2024
Sl. No.48(DL)
srm

C.O. No. 4552 of 2023

Kundan Prasad

Versus

The IDBI Bank Limited & Ors.

Mr. Abhrajit Roy Chowdhury

...for the Petitioner.

The plaintiff is the petitioner, who prays for expeditious disposal of the application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, filed in connection with Title Suit No.593 of 2020, which is pending before the learned Judge, 6th Bench, City Civil Court at Calcutta.

It is submitted that the application is pending adjudication since September 28, 2020. It is informed that the learned 6th Bench is vacant.

Considering the submission, this Court is of the view that the prayer of the petitioner for early disposal of the proceedings, 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 Judge and/or the Judge-in-Charge to dispose of the injunction application within a period of two months from the next date fixed, independently and strictly in accordance with law. Thereafter, the suit shall be expedited and disposed of within a year along with other interlocutory applications. Unnecessary adjournments shall not be granted to the parties.

This Court has neither gone into the merits of the application nor into the merits of the suit.

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.)