

23.04.2024
Court No. 19
Item no.11
CP

CO/4557/2023

SUSHANTA RAKSHIT
VS
TAPAN BANERJEE AND ORS.

Mr. Ivan Ray
Mr. Nirupam Dutta

.....for the petitioner.

Mr. Partha Pratim Roy
Mr. Sougata Mitra
Mr. R. Sinha
Mr. N. K. Gupta
Ms. Soma Chakraborty

...for the opposite parties.

The defendant in the partition suit prays for expeditious disposal of Title Suit No. 228 of 2016, which is pending before the learned Civil Judge (Senior Division), Purulia.

It appears from the record that some parties have been recently added in the suit and service as regards those added parties is not complete. However, the evidence of the plaintiffs is going on.

Mr. Roy, learned advocate for the opposite parties/plaintiffs, submits that the prayer for expeditious disposal at this stage is premature as the added parties were yet to file their written statement.

The prayer for expeditious disposal, in my opinion, would enure to the benefit of the parties but such prayer cannot be allowed in the vacuum. A court has to proceed in accordance with law and

upon giving opportunity to parties to contest the proceeding.

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 request upon the learned court to expedite the trial, strictly in accordance with law and make a sincere endeavour to dispose of the suit expeditiously, preferably within two years from the next date fixed. Adequate opportunity shall be granted to the parties to contest the same.

This court has not expressed any opinion on the merits of the suit. The learned court shall proceed independently and in accordance with law.

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.)