

D/L - 10
28.01.2025
Court. No. 5
S.Kundu

C.O. 3483 of 2024

Smt. Rama Banerjee & Ors.
Vs.
Smt. Sima Bhattacharjee & Ors.

Mr. Sattwik Bhattacharyya,
Mr. A. Bhattacharyya,
Mr. Aritra Roy,
Mr. Titas Niyogi

...for the petitioners.

1. The present revisional application has been filed *inter alia*, praying for expeditious disposal of the application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908 (hereinafter referred to as the Code) filed in connection with Title Suit No. 579 of 2023 which is a suit for partition, declaration and injunction, pending before the learned Civil Judge (Senior Division), 1st Court, Barasat.
2. Considering the nature of relief sought for, the aforesaid revisional application is taken up for consideration without service of prior notice on the opposite parties. Taking note of the fact that the application filed by the petitioners under the provisions of Order XXXIX Rule 1 and 2 of the Code is pending since the institution of the suit in the year 2023 as would appear from the order-sheet enclosed to this application, I am of the view that the learned Judge

should take expeditious steps for disposal thereof. It is expected that the learned Civil Judge (Senior Division), 1st Court, Barasat shall hear out and dispose of the aforesaid application under Order XXXIX Rule 1 and 2 of the Code preferably within a period of three months from the date of communication of this order.

3. It is made clear that this Court has not gone into the merits of the case and it shall be open to the learned Judge to pass appropriate order as it may deem fit and proper.
4. With the above observations and directions, the revisional application stands disposed of.
5. The petitioners are directed to serve a copy of the aforesaid revisional application on the opposite parties along with the copy of this order and to intimate the factum of service thereof to the learned Court.
6. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Raja Basu Chowdhury, J.)