

16.12.2020
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C.O. 1454 of 2018

Debendra Nath Bijali(Mondal)
Vs.
Tulsi Bijali(Mondal) & Ors.

Mr. Gobinda Kar

... For the Petitioner.

The plaintiff in a suit for specific performance of contract has filed the instant application under Article 227 of the Constitution of India challenging the order dated February 19, 2018 passed by the learned District Judge, Barasat in Miscellaneous Appeal No.8 of 2018.

The learned Trial Judge rejected the prayer for ad interim order of injunction on December 22, 2017. The petitioner preferred the instant appeal being Miscellaneous Appeal No.8 of 2018. The petitioner moved an application under Order 39 Rule 1 and 2 of the Code of Civil Procedure in the said Miscellaneous Appeal and prayed for an ad interim order of injunction. The learned court of appeal below by an order of February 19, 2018 rejected the prayer for ad interim injunction. The petitioner herein was directed to put in the requisites. More than two years and eleven months have elapsed since the appellate court rejected the prayer for ad interim injunction. There is no urgency in the instant matter. In my view, justice

would be sub-served if the learned court of appeal below is directed to hear out the Miscellaneous Appeal expeditiously.

Accordingly, C.O.1454 of 2018 is disposed of by requesting the learned District Judge, Barasat, North-24 Parganas to make endeavours to dispose of the Miscellaneous Appeal as expeditiously as possible and preferably within a period of six months if the notice of appeal is duly served upon the opposite parties herein.

The petitioner is directed to serve a copy of this application along with this order upon the opposite parties by Speed Post with Acknowledgement Due Card forthwith.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon the usual undertakings.

(Hiranmay Bhattacharyya,J)