

08.09.2020
Item No.15
(Susanta)

(Via Video Conference)

**C.O. 1184 of 2020
with
IA No: CAN 1 of 2020 (old CAN 5927 of 2020)**

**Jaidip Mukerjea & Ors.
Vs.
Indradeep Mitra & Ors.**

Mr. Jaydeep Kar,
Mr. Debdeep Sinha.
... for the petitioners.

Mr. Kaustav Chandra Das.
..... for the Opposite Party no. 2

The present revisional application under Article 227 of the Constitution of India is at the instance of the defendants/appellants and is directed against an order dated August 19, 2020 passed by the learned District Judge, Alipore, District 24-Parganas (South) in Miscellaneous Appeal no. 83 of 2020 whereby the learned Appeal Court below has fixed September 9, 2020 as the date for hearing of the application filed by the petitioners in the said appeal.

Mr. Kar, learned Senior advocate appearing on behalf of the petitioners, submits that requisition meeting of the Calcutta South Club Limited of which the petitioners are the members is required to be completed within the statutory time as contemplated under the provisions of Companies Act, 2013 but the same cannot be completed due to the order of injunction passed by the learned Trial Judge which is under challenge in the miscellaneous appeal. He further submits that the grave urgency of the matter is apparent but the appeal Court

below without appreciating it has fixed the date of hearing of the application filed by the petitioners in the said appeal tomorrow.

The Appeal Court since has already fixed a date in the said appeal tomorrow (09.09.2020), this Court feels that justice would be subserved if the present revisional application is disposed of with a direction upon the appeal Court below to dispose of the said appeal expeditiously.

C.O 1184 of 2020 is therefore disposed of with a request to the learned District Judge, Alipore, District 24-Parganas (South) to take up the said Miscellaneous Appeal no. 83 of 2020 on the date already fixed and to make all endeavor to dispose it of expeditiously keeping in view the statutory time frame for holding the requisition meeting of Calcutta South Club Limited.

Learned District Judge to adhere to the direction passed by this order for expeditious disposal for the said appeal shall not entertain the prayer of the parties for any unnecessary adjournment.

C.O. 1184 of 2020 and the connected application being CAN 1 of 2020 (old no. CAN 5927 of 2020) are thus disposed of.

Mr. Kar's client shall serve the copy of the order upon the learned advocate representing the opposite parties in the connected miscellaneous appeal.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)

