

8th October, 2020
(D/L No.8)
(SKB)

C.O. 1203 of 2020
With
CAN 1 of 2020
CAN 2 of 2020
CAN 3 of 2020
(Via Video Conference)

Sailes Chandra Das @ Sailesh Chandra Das and others
Versus
Buddhadeb Gangopadhyay and others

Mr. Jayanta Mitra

... for the petitioners.

Mr. Abhishek Banerjee

... for respondent no.3.

Learned Counsel appears for the petitioners who are the eight defendants in Title Suit No. 292 of 2018 which is pending before the learned Civil Judge (Jr. Division) 2nd Court, Hooghly. Counsel submits that the petitioners have suffered an order passed in an injunction application filed by the plaintiff in the title suit on 23rd July, 2018. By the said order, the petitioners (defendants before the learned court below) were directed to maintain status quo with respect to the discharge of duties by the plaintiffs in the suit and in respect to certain schedules in the trust property and its mode of operation as on that date, namely, 27th August, 2018. Counsel submits that the order of injunction was extended on numerous occasions thereafter without the petitioners being heard.

It is accordingly prayed that appropriate directions may be given to the learned court below for hearing the

petitioners/defendants and to dispose of the injunction application as well as the title suit expeditiously.

The material opposite party is not present in court today. The affidavit of service filed in court today is taken on record.

Opposite party no.3 (one of the two proforma respondents) is represented in court today.

It should be stated that counsel appearing for the petitioners does not wish to press the prayer in the civil revisional application for striking out the Title Suit No. 292 of 2018.

On hearing learned counsel, the C.O. 1203 of 2020 is disposed of with a direction on the learned Civil Judge (Jr. Division) 2nd Court, Hooghly, to hear out the injunction application filed by the plaintiffs and dispose of the title suit as expeditiously as possible preferably within three months from date subject to the usual constraints caused by the pandemic. The learned court below is also requested to consider substitution of the defendant no.2 in the title suit who died on 7th September, 2020. The petitioners will also have the liberty for raising the point of maintainability before the learned court below.

All the applications being CAN 1 of 2020, CAN 2 of 2020 and CAN 3 of 2020 are also disposed of in terms of the above.

(Moushumi Bhattacharya, J.)