

15.12.2020

BP
Sl. 117

C.O. 3433 of 2018

Suvendu Saha
Vs.
Bharati Jana & Ors.

Mr. Siva Prasad Ghose
..for the petitioner.

The plaintiff in a suit for declaration of title and permanent injunction has filed the instant application under Article 227 of the Constitution of India challenging the Order no.3 dated August 27, 2017 passed by the learned Additional District Judge, 1st Court, Sealdah in Misc Appeal No. 33 of 2018.

Mr. Siva Prasad Ghose, learned advocate for the petitioner submits that there is a typographical error in the certified copy of the order passed in Misc. Appeal No. 33 of 2018. Mr. Ghose submits that Order No.3 was passed by the learned Additional District Judge, 1st Court Sealdah on 27th August, 2018 and not on 27th August, 2017 as recorded in the certified copy.

It appears from the record that the learned trial court refused to pass an ad interim order of injunction

on June 6, 2018. The petitioner preferred miscellaneous appeal no. 33 of 2018 and the learned court of appeal below refused to pass an ad interim order of injunction on August 27, 2018. More than two years have passed since passing of the order by the learned court of appeal below. There is no grave urgency for passing any ad interim order of injunction at this stage.

Mr. Ghose, learned advocate for the petitioner submits that the petitioner herein shall not press the Misc. Appeal No.33 of 2018 and prays for expeditious disposal of the application for temporary injunction pending before the learned trial judge. The petitioner herein is directed to take necessary steps for dismissal of the Misc. Appeal for non-prosecution before the Learned Court of appeal below.

In view of the order sought and proposed to be passed, there is no necessity of issuing any notice upon the opposite parties herein. However, the petitioner shall be obliged to forward a copy of this order upon the opposite parties herein.

Since the application for temporary injunction is pending from June, 2018, the learned Civil Judge, Junior Division, Additional Court, Sealdah is requested to make all endeavours to dispose of the application for temporary injunction preferably within a period of eight

weeks after Christmas vacation subject to the copies of the injunction application being served upon the opposite parties herein.

With the above direction, C.O. 3433 of 2018 is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied on priority basis.

(Hiranmay Bhattacharyya, J.)

