

S/L 24
23.12.2020
Court. No. 19
GB

C.O. 1626 of 2020

Dipankar Roy
Vs.
Naveen Kumar Gulia & Ors.

(Through Video Conference)

*Mr. Tanmoy Mukherjee,
Mr. Amal Kumar Saha,
Mr. Iresh Paul.*

...for the Petitioner.

*Mr. Rajdeep Bhattacharya,
Ms. Sevanti Roy.*

...for the Opposite Parties.

The petitioner is the defendant no.6 in Title Suit No.330 of 2020. The petitioner has prayed for expeditious disposal of the application under Order 39, Rule 4 of the Code of Civil Procedure in Title Suit No.330 of 2020 pending before the learned Civil Judge, Senior Division, 3rd Court at Howrah.

It is the contention of the petitioner that the plaintiff/opposite party is purposely delaying filing of the written objection to the said application and the petitioner apprehends that on the next date fixed, that is, January 4, 2021 the hearing of the application under Order 39, Rule 4 of the Code of Civil Procedure will not be held. It is submitted on behalf of the plaintiff/opposite party that an incomplete copy of the application under Order 39, Rule 4 of the Code of Civil Procedure was handed over to the opposite party and as such the written objection could not be filed.

Today, in Court, Mr. Saha hands over a complete copy of the application under Order 39, Rule 4 of the Code of Civil Procedure to Mr. Bhattacharya.

Mr. Bhattacharya, however, submits that one document which has been mentioned at Page-33 of the said application being consent cum authorization forms of 400 members has not been handed over. To this, Mr. Mukherjee on behalf of his client assures the Court that his client will not rely on those consent forms during the hearing of the application under Order 39, Rule 4 of the Code of Civil Procedure.

Under such circumstances, I do not find any reason as to why the revisional application is required to be kept pending. The opposite party will prepare the written objection and file the same within one week from date. An advance copy shall be served upon the defendant nos.3 and 6 or their learned advocates appearing in the learned court below before the next date fixed in the court below. It is expected that the learned court will take up the hearing of the application on the next date fixed and dispose of the same expeditiously, within a short period upon giving an opportunity to the parties to contest the proceeding. This Court has not made any observation with the merits of the claims and counter-claims of the petitioner and the learned court below will proceed independently and in accordance with law.

The revisional application is disposed of.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)