

24.12.2020
Sl. No.12
srm

C.O. No. 1639 of 2020

Shakira Khatoon @ Shakra Khatoon

Vs.

Irfan Jawed & Ors.

Mr. Debanik Banerjee,
Mr. Steven Sourodip Biaswas

...for the Petitioner.

The petitioner is the plaintiff in Title Suit No.124 of 2015 pending before the learned Civil Judge (Junior Division), 2nd Court at Alipore. The petitioner prays for expeditious disposal of the application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure.

It appears from the records that the said application has been pending since 2015 and several dates have been fixed in the meantime for hearing of the application for injunction but the same has not yet been disposed of.

It is submitted that the defendants have not yet filed their written objection to the injunction application.

Records reveal that the defendant Nos.1 and 2 have entered appearance in the suit but the defendant Nos.3, 4 and 5 did not contest the proceedings and it was directed that the suit will proceed *ex parte* against these defendants.

Under such circumstances, without making any observation as to the merits of the dispute involved in the suit,

this revisional application is disposed of with a direction upon the learned Civil Judge (Junior Division), 2nd Court at Alipore, South 24-Parganas, to hear out and dispose of the application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure upon affording an opportunity of hearing to all the contesting parties within a period of one month from the next date fixed.

The learned Court below shall proceed in accordance with law and without being influenced by any observation made hereinabove.

The learned Advocate-on-record for the petitioner is directed to serve copies of this revisional application upon the contesting defendants along with a server copy of this order within a period of seven days.

This revisional application is, thus, 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.)