

19.1.2021
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C.O. 76 of 2021

Subhomoy Chatterjee
Vs
Pikt Biswas & Anr.

Mr. Chayan Gupta,
Mr. Rittick Chowdhury
... For the Petitioner.

This revisional application has been filed by the defendant No.2 in Title Suit No.201 of 2020 and the appellant in Misc. Appeal No.19 of 2020 pending before the learned Additional District Judge, Fast Track, 3rd Court at Barrackpore, North 24-Parganas.

It is the contention of the petitioner that aggrieved by an order of ad interim injunction passed in the suit, Misc. Appeal No.19 of 2020 was filed. In connection with the Misc. Appeal an application for stay of the operation of the order of ad-interim injunction was also filed. Another application for expunging the name of the deceased, defendant No.1 was subsequently filed. The heirs and legal representative of the said deceased defendant were already on record. It is submitted that the said application had been kept for hearing on various dates but the learned Court below has not yet taken up the same and the Misc. Appeal No.19 of 2020 has not proceeded. It is submitted that there is grave urgency in the matter and Misc. Appeal No.19 of 2020 along with the application for stay of the order dated 16th September, 2020 passed by the

learned Civil Judge, Junior Division, 2nd Court at Barrackpore should be disposed of expeditiously.

Without making any observation on the merits of the case of the petitioner, this revisional application is disposed of with a direction upon the learned Additional District Judge, Fast Track 3rd Court at Barrackpore, North 24- Parganas to dispose of the Misc. Appeal No. 19 of 2020 along with the pending applications as expeditiously as possible preferably within a period of two months from the next date fixed upon affording an opportunity to all the parties to contest the same. Written objection, if any, to the applications filed in connection with the Misc. Appeal No.19 of 2020, be filed by the opposite parties within ten days from date, if not already filed.

The learned Court below will proceed independently without being influenced by any observation made hereinabove.

The direction for expeditious disposal of the Misc. Appeal is being passed as the Appeal has been filed against an order of grant of ad interim injunction and ought to be disposed of urgently.

The petitioner is directed to serve a copy of this revisional application along with a server copy of this order upon the opposite parties and/or the learned

Advocate appearing in the Court below within four days from date.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Shampa Sarkar, J.)