

S/L 26
19.01.2021
Court. No. 19
GB

C.O. 86 of 2021

Sri Ajit Ghosh & Ors.
Vs.
Sri Ranjit Ghosh

(Through Video Conference)

Mr. Surajit Roy.

...for the Petitioners.

This revisional application has been filed by the defendants in Title Suit No.526 of 2018, pending before the learned Civil Judge (Senior Division), 1st Court at Howrah.

It is the contention of the petitioner that the application under Order 39, Rule 4 read with Section 151 of the Code of Civil Procedure for vacating the ad interim order of injunction dated October 11, 2018 has not yet been disposed of and the ad interim injunction has been extended from time to time.

The petitioners submit that the application under Order 39, Rule 4 of the Code of Civil Procedure has been filed on January 7, 2019 but the learned court below has not taken up the same for consideration. It is also submitted that written objection has already been filed to the said application.

Under such circumstances, without being influenced by any observations made hereinabove, the learned court below shall dispose of the application under Order 39, Rule 4

read with Section 151 of the Code of Civil Procedure within a period of two months from the next date fixed upon affording an opportunity to all the parties to contest the same without granting unnecessary adjournments to either of the parties. The time limit fixed is mandatory. The learned court below shall proceed independently as this Court has not made any observations with regard to the merits of this application.

The petitioners are directed to serve a copy of this revisional application along with a server copy of this order upon the opposite party within a week from date.

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.)