

27.01.2021
Sl. No. 6
srm

C.O. No. 109 of 2021
Md. Siddique & Ors.
Vs.
Roshan Ara & Anr.

Mr. Rajdeep Bhattacharya,
Mr. Shabaz Alam

...for the Petitioners.

This revisional application has been filed by the plaintiffs in Title Suit No.89 of 2008 pending before the learned Civil Judge (Junior Division), 2nd Court at Sealdah. The suit is one for declaration, recovery of possession and permanent injunction.

Records reveal that the suit has been running *ex parte*. The suit was fixed for *ex parte* hearing of the injunction application by an order dated June 12, 2017. The injunction application was fixed for *ex parte* hearing. Since then the said application has not been heard. The petitioners pray that the learned Court below be directed to dispose of the application for injunction as also the title suit as expeditious as possible.

Under such circumstances, the learned Court below is directed to dispose of the pending application filed in connection with the Title Suit No.89 of 2008 within a period of two months from the next date fixed in accordance with law

and thereafter proceed with expeditious disposal of the title suit in accordance with law.

This Court has not gone into the merits of the claim of the petitioners and the learned Court below will dispose of the application as also the title suit independently and on its own merits.

This order shall not be operative if the learned Court below is prevented by sufficient cause from proceeding with the suit by virtue of any order passed by any forum or a superior Court.

The learned Advocate-on-record for the petitioners is directed to serve copies of this revisional application upon the opposite parties along with a server copy of this order within a week from date.

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.)