

S/L 12
29.01.2021
Court. No. 19
GB

C.O. 171 of 2021

Smt. Ratna Das
Vs.
Partha Das & Ors.

(Through Video Conference)

*Mr. Sambhu Nath Roy,
Mr. Mohini Mohon Bhattacharya,
Ms. Tuhina Parvin,
Ms. T. Dey.*

...for the Petitioner.

This revisional application has been filed for expeditious disposal of the application for injunction filed in connection with Title Suit No.16 of 2012 pending before the learned Civil Judge (Senior Division) at Alipore.

The plaintiff is the petitioner before this Court alleging creation of third party interests and alienation of the suit property. An application for injunction has also been subsequently filed by the plaintiff on June 14, 2019. The said application is still pending and has not been disposed of. It is submitted that written objection to the said application has also been filed by the defendants on September 23, 2019. It is submitted that the said application has not yet been taken up for hearing although several dates have been fixed. The order sheet also reflects that the suit was at the stage of evidence when the application for injunction was filed by the plaintiff. It also appears that the cross-examination of D.W.1 has already been held in part. Thus, the prayer made by the petitioner seems to be innocuous.

Without going into the merits of the claims of the petitioner, this revisional application is disposed of. The learned court below is directed to dispose of the application for injunction as expeditiously as possible, preferably within a period of one month from the next date fixed. After disposal of the said application, the learned court below will dispose of the Title Suit No.16 of 2012 within six months thereafter. The order is being passed keeping in mind the age of the suit and also because the evidence of the defendants are also near completion.

The learned court below will proceed independently and in accordance with law without being influenced by any observations made hereinabove.

Petitioner is directed to serve copies of this revisional application along with a server copy of this order upon the opposite parties within 10 days from date.

The revisional application is disposed.

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.)