

28.01.2021
Sl. No. 31
srm

C.O. No. 187 of 2021
Mahadeb Ghosh & Ors.
Vs.
Provas Chandra Ghosh & Ors.

Mr. Asit Kumar Bhattacharya
...for the Petitioners.

This revisional application has been filed by the defendants in Title Suit No.1113 of 2019 pending before the learned Civil Judge (Senior Division), 2nd Court at Baruipur, South 24-Parganas.

The petitioners pray for a direction upon the learned Court below to dispose of the application for injunction on the next date fixed, *i.e.*, February 2, 2021.

It is submitted by Mr. Bhattacharya that the learned Court below has fixed several dates for hearing of the application but the application could not be heard for some reason or the other and the ad interim order of injunction was extended from time to time.

Records reveal that on March 5, 2020, the defendants filed their written objection. Thereafter several dates were fixed for hearing of the said injunction application, *i.e.*, on October 14, 2020, November 26, 2020, December 15, 2020 and January 7, 2021.

Under such circumstances, as the prayer is innocuous, this revisional application is disposed of without considering the merits of the claim of either of the parties and with a direction upon the learned Civil Judge (Senior Division), 2nd Court, Baruipur, District South 24-Parganas to dispose of the injunction application expeditiously preferably within a period of 15 days from the next date fixed upon affording an opportunity to all the contesting parties.

This time limit should be treated as mandatory keeping in mind the long pendency of the application for injunction.

This Court has not gone into the merits of the claim of the petitioners and the learned Court below will proceed in accordance with law and independently without being influenced by any observation made in this order.

The learned Advocate for the petitioners is directed to serve a copy of this revisional application upon the opposite plaintiff/party No.1 along with a server copy of this order within three days 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.)