

02.02.2021
Sl. No. 17
srm

C.O. No. 193 of 2021

Ram Sagar Poddar

Vs.

Prem Sankar Poddar

Mr. Meghnad Dutta,

Mr. Abhishek Shaw

...for the Petitioner.

The petitioner is the defendant in Title Suit No.373 of 2016. The petitioner submits that an application has been filed under Section 151 of the Code of Civil Procedure for certain reliefs in the nature of injunction.

It is the contention of the petitioner that the said application has been kept pending from November, 2019. The order sheet reveals that dates have been fixed for hearing of the said application. It is also submitted that written objection to the same has been filed.

This Court feels that the prayer of the learned Advocate is innocuous, inasmuch as, the petitioner is only seeking a direction for expeditious disposal of said application.

Without going into the question of maintainability of the application under Section 151 of the Code of Civil Procedure and without making any observation on the merits of the reliefs claimed, this revisional application is disposed of with a direction upon the learned Court below to dispose of the

pending application as expeditiously as possible, preferably within a period of one month from the next date fixed.

The learned Court below shall proceed independently on the merits of the application and in accordance with law and pass orders on the merits of the application. This order shall not be construed as an observation on the maintainability of the application before the learned Court below.

The learned Advocate-on-record for the petitioner is directed to serve a copy of this revisional application upon the opposite party as also the learned Advocate appearing in the learned Court below along with a server copy of this order.

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.)