

12.02.2021
Sl. No. 14
srm

C.O. No. 274 of 2021
Goutam Kumar Biswas
Vs.
Osmita Mitra & Ors.

Mr. Kushal Paul,
Mrs. Soma Chowdhury (Bandhu)
...for the Petitioner.

The plaintiff in Title Suit No.24 of 2002 pending before the learned Civil Judge (Junior Division), Barasat, North 24-Parganas prayed for expeditious disposal of the two applications under Order 39 Rules 1 and 2 and an application for amendment of the plaint in connection with the said suit.

It is the contention of the petitioner that the said applications have not yet been disposed of but the ad interim order of injunction has been extended from time to time. The learned Advocate for the petitioner submits that the suit has been dragging since 2002 and there is no progress at all.

The learned Advocate for the petitioner draws the attention of this Court to an earlier order dated February 11, 2020, by which this Court specifically directed the learned Court below to dispose of the injunction application on the next date fixed in the matter upon allowing one last opportunity to the opposite parties to file their written

objection to the said application. It is submitted even now the objections have not been filed. Records reveal that there are two applications under Order 39 Rules 1 and 2 of the Code of Civil Procedure and an application for amendment of the plaint pending before the learned Court below.

Under such circumstances, this revisional application is disposed of, directing the learned Court below to dispose of the pending applications as expeditiously as possible preferably a month from the next date fixed. This court has not gone into the merits of the case.

Thus, the learned Court below should proceed in accordance with law independently and on the merits of the applications filed by the petitioner. If the opposite parties have not filed their written objection in the meantime or does not file the written objection on the next date fixed by the learned Court below, as a last chance, the learned Court below shall proceed in accordance with law. The suit of 2002 shall be disposed of expeditiously preferably within a year from the disposal of the applications.

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.

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.)