

**D&I TAXCON SERVICES PVT. LTD. VS.
KOLKATA MUNICIPAL CORPORATION & ORS.**

Mr. Tapas Dutta
..for the petitioner
Mr. Suddhasatva Banerjee
Ms. Sanjukta Ray
...for the opposite party no.8
Mr. Alok Ghosh
Mr. S.K.Debnath
..for the KMC.

This revisional application has been filed by the petitioner praying for expeditious disposal of the pending interlocutory applications in Title Suit No.469 of 2020, before the learned Civil Judge, 12th Bench, City Civil Court, Calcutta.

It is informed that two applications for injunction and an application for leave under Section 80 of the Code of Civil Procedure are pending before the learned Court below.

Mr. Banerjee, learned Advocate appearing on behalf of the opposite party no.8 opposes the prayer on the ground that the suit is frivolous and is not maintainable. That the suit was filed without service of notice under Section 80 of the Code of Civil Procedure. The petitioner did not have any locus standi to file the suit. All proceedings initiated by the petitioner in several

Fora including the NCLT and NCLAT have been dismissed and as such the petitioner did not have a good case for grant of an order of injunction.

The arguments raised by Mr. Banerjee are not to be decided by this Court at this stage.

Mr. Banerjee will be at liberty to raise these points before the learned Court below by filing appropriate applications and objections to the applications filed by the petitioner.

Mr. Ghosh, learned Advocate for the KMC submits that the pending applications in the suit may be directed to disposed of expeditiously.

Under such circumstances, this revisional application is disposed of with a direction upon the learned Court below to dispose of all pending applications in connection with Title Suit No. 469 of 2020 as expeditiously as possible, preferably within a period of three months from the next date fixed. The opposite party no.8 as also the other opposite parties will be at liberty to file their respective objections before the learned Court below within four weeks from date.

It is made clear that this Court has not gone into the merits of the case and the learned Court below shall decide the applications independently and in accordance with law, on the basis of the records and pleadings made by the parties without being influenced

by any observations made hereinabove.

The petitioner is directed to serve copies of the revisional application along with a server copy of this order upon the non-appearing opposite parties within a week from date.

This revisional application is disposed of.

There will be however no order as to costs.

Urgent photostat certified copy of this order be given to the parties on priority basis, if the same is applied for.

(Shampa Sarkar,J.)

