

**MD.ANWAR ALI MOLLA VS. NAZMUL
HASAN MOLLA & ORS.**

**Mr. Tapas Bhattacharya
Mr. Monish Banerjee
..for the petitioner**

The petitioner is aggrieved by long pendency of an application under Order 39 Rule 4 of the Code of Civil Procedure before the learned Civil Judge, Senior Division, Diamond Harbour, District South 24 Parganas, filed in connection with Title Suit No. 50 of 2018.

It is submitted by Mr. Bhattacharya, learned Advocate for the petitioner that the written objection to the said application has been filed. It is also submitted by him that without disposing of the application for variation and/or modification of the ad-interim order of injunction, the learned Court below is just fixing dates and extending the order of ad-interim injunction.

Under such circumstances, the learned Court below is directed to dispose of the application under Order 39 Rule 4 of the Code of Civil Procedure on its own merits within a month from the next date fixed.

This Court has not gone into the merits of the said application and the learned Court below shall proceed independently and in accordance with law upon

giving an opportunity to all the parties to contest the proceeding. Once the said application is disposed of, the learned Court below shall proceed expeditiously with the hearing of the title suit.

The petitioner is directed to serve copies of the revisional application along with a server copy of this order upon the 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.)

