

22.02.2021
Sl. No. 39
srm

C.O. No. 379 of 2021

M/s. Western Warehousing Private Limited

Vs.

Kanwarjit Singh Anand & Ors.

Mr. Siddhartha Banerjee,

Ms. Soni Ojha,

M S.B. Chatterjee,

Mr. Ganesh Manna

...for the Petitioner.

This revisional application has been filed for expeditious disposal of two interlocutory applications filed by the defendant in Title Suit No.132 of 2006 pending before the learned Civil Judge (Senior Division) at Uluberia, Howrah. The applications, which are pending, are under Order XXXIX Rule 4 read with Section 151 and under Order VII Rule 11 of the Code Civil Procedure.

The learned Advocate for the petitioner also relies on an order of this Court dated September 23, 2019 passed by a learned Single Judge of this Court with a direction upon the learned Court below to dispose of the Order VII Rule 11 application expeditiously.

Without going into the merits of this case and the contentions of the petitioner and without making any observation as to the seriality in which the applications should

be taken up by the learned Court below first and leaving the same to the discretion of the learned Court below, this revisional application is disposed of with a direction upon the learned Court below to expedite the hearing of the interlocutory applications and dispose of the same on their own merits, independently and in accordance with law within a period of two months from the last date fixed without granting unnecessary adjournments to either of the parties.

It is submitted that the written objection to the application under Order XXXIX Rule 4 of the Code of Civil Procedure has not yet been filed. One last opportunity be given to the opposite parties to file their written objection to the application under Order XXXIX Rule 4 of the Code of Civil Procedure.

The directions hereinbefore are peremptory as it is the case of the petitioner that they are suffering an ad interim injunction for a long time.

The learned Advocate-on-record for the petitioner is directed to serve copies of this revisional application upon the plaintiffs/opposite parties as also their learned Advocate appearing in the learned Court below 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.)