

03.12.2021
Court No.8
Item No.12
SB

FMA 771 of 2017
CAN 1 of 2017
(video conference)

Mrs. Sharmistha Bhattacharjee
Vs.
Smt. Bithi Biswas

Mr. Rahul Karmakar
Ms. Gargi Goswami For the appellants

None appears on behalf of the respondent / opposite party, nor any accommodation is prayed for in a suit for declaration of injunction. The learned trial judge refused to pass interim order of injunction, resulting this first miscellaneous appeal to be filed by the appellant. The appeal was admitted and the parties were directed to maintain status quo as regards possession in the suit property initially till 5th May, 2017 and, thereafter, by a subsequent order dated 14th July, 2017 the interim order was extended till the disposal of the appeal.

Records reveals that in respect of service of notice none had appeared on behalf of the respondent.

Mr. Rahul Karmakar learned counsel for the appellant submits that suit has got substantially progress and presently evidence is in progress.

In view of the above, we dispose of the appeal and applications by confirming the impugned order dated 5th May 2017 as extended till the disposal of the suit. We request the

learned Trial Judge to dispose of the suit as expeditiously as possible preferably within a period of one year from the date of communication of this order without granting any unnecessary adjournment to any of the parties.

Let a copy of the said order to be forwarded to the learned Judge, 2nd Bench, City Civil Court, Calcutta for information and record.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)