

25.02.2021
Court No. 19
Item No.18
CP

C.O. 417 of 2021

Kallol Dutta & ors.
vs.
Supti Dutta & ors.

Mr. Shibendra Nath Chattapadhyay
Mr. P. Misra

....for the petitioners.

This revisional application has been filed by the plaintiffs in Title Suit No. 147 of 2017, pending before the learned Civil Judge (Junior Division), Barrackpore.

The petitioners are aggrieved by the delay in the progress of the suit. It is submitted by the petitioner that two interlocutory applications are pending before the learned court below; one for temporary injunction and the other under Section 151 of the CPC praying for police help for implementation of the order of ad-interim injunction. Records reveal that by an order dated July 20, 2018, the learned court below had directed the IC, Jagaddal Police Station to personally visit the suit property and file a report. The said report has not yet been filed. Thereafter, several dates have been fixed by the learned court below. This delay is prejudicial for the litigant.

Under such circumstances, this revisional application is disposed of with a direction upon the learned court below to call for the police report and dispose of the interlocutory applications in accordance with law and independently and without being influenced by any observations made hereinabove. The said applications should be disposed of within two months from the next date fixed. This court has not considered the merits of the applications and this order will not be construed as any direction upon the police authorities.

The petitioners are directed to serve a copy of the revisional application along with the server copy of this order upon the opposite parties as also their learned advocate appearing in the learned court below within a week from date.

The revisional application is disposed of. There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible subject to compliance of all usual formalities.

(Shampa Sarkar, J.)