

24.03.2021
Sl. No. 117
srm

C.O. No. 745 of 2021
Sri Arindam Sadhukhan & Ors.
Vs.
Smt. Nupur Maitra & Ors.

Mr. Siva Prasad Ghose,
Mrs. Debjani Ghosh Roy (Deb)
...for the Petitioners.

This revisional application has been filed challenging an order dated March 2, 2021 passed by the learned Civil Judge (Junior Division), 2nd Court, Barrackpore in Title Suit No.559 of 2018. By the order impugned, the learned Court below has extended the ad interim order and accepted the show cause filed by the plaintiffs and fixed the hearing of the injunction application on April 7, 2021. The petitioners are aggrieved by the extension of the ad interim order of injunction upto April 7, 2021.

It appears that ad interim injunction had been passed long time ago and the petitioners had never challenged the same before any higher forum. The petitioners have already filed an application under Order XXXIX Rule 4 of the Code of Civil Procedure along with the written objection.

Thus, in my opinion, justice would be sub-served if the learned Court below is directed to dispose of the application

for injunction along with the application filed by the petitioners expeditiously, preferably within a period of two months from the next date fixed.

This Court has not gone into the merits of the case and the learned Court below shall proceed with injunction application on its own merits and independently.

The learned Advocate-on-record for the petitioners is directed to serve copies of this revisional application upon the opposite parties as also the learned Advocate for the opposite parties appearing in the Court below along with a server copy of this order immediately.

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.)