

05,Ct.18
28.09.2021
AJ.

C.O. 831 of 2021

(Via Video Conference)

M/s. Gopiram Chetram & Anr.
-Vs-
Kejriwal Sugar Agencies Private Limited

Mr. Dhiraj Trivedi,
Mr. Bikash Kumar Singh.
.....for the petitioners.

Mr. Siddhartha Banerjee.
.....for the opposite party.

The defendants in a suit for declaration and injunction being Title Suit No. 1 of 2019 pending before the learned Judge, 6th Bench, City Civil Court at Calcutta are the petitioners of the present application under Article 227 of the Constitution of India.

The petitioners are complaining inordinate delay in disposal of two applications; one filed by the plaintiff/opposite party under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure and the other filed by the petitioners under Order XXXIX Rule 4 of the Code.

The petitioners are praying direction upon the learned Trial Judge for expeditious disposal of the said applications.

Mr. Siddhartha Banerjee, learned advocate for the plaintiff/opposite party submits that although the application under Order XXXIX Rules 1 and 2 of the Code is otherwise ready for disposal but he is not sure about the application under Order XXXIX Rule 4 of the Code.

An application under Order XXXIX Rules 1 and 2 of the Code, by its nature, demands expeditious disposal. The petitioners are suffering an ad-interim order of injunction passed on the said application for injunction, as such, they are justified in praying expeditious disposal of the said application.

The learned Trial Judge, therefore, is requested to dispose of the said application under Order XXXIX Rules 1 and 2 of the Code along with the application under Order XXXIX Rule 4 of the Code as expeditiously as possible, preferably within a period of two effective working months of the Court from the date of communication of this order and in doing so, shall not grant any unnecessary adjournment to either of the parties.

If not filed, the parties are at liberty to file their respective affidavits to the said application under Order XXXIX Rule 4 of the Code.

C.O. 831 of 2021 is disposed of with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)