

S/L 11
23.09.2021
Court. No. 7
sb

CO 847 of 2021
(Via Video Conference)

Khokhon Sil
Vs.
Jayanta Indra

Mr. Siva Prosad Ghose, Advocate

... for the Petitioner.

Mr. S. Banerjee, Advocate

... for the Opposite Party.

The petitioner has challenged the order dated January 22, 2021 passed by the learned Civil Judge, Junior Division, Bidhannagar in Title Suit No. 243 of 2020 whereby the prayer of the opposite party for restoration of possession in respect of the suit property was allowed and the Bidhannagar Police Commissionerate was directed to take necessary action to restore the possession of the plaintiff.

Mr. Ghose, the learned advocate for the petitioner submits that by an order dated August 19, 2021 in CO 835 of 2021 (*Sri Khokhon Sil Vs. Sri Jayanta Indra*) a coordinate Bench of this Court had set aside the order dated December 4, 2020 whereby the ad interim prayer for injunction was allowed and the defendants were directed to restore the possession in respect of the suit property to the plaintiff/opposite party herein.

Mr. Ghose submits that since the order directing restoration of possession has already been set aside by a coordinate Bench of this Court, the consequential order

directing the police to implement the ad interim order of injunction requires to be set aside.

The learned advocate for the opposite party submits that the hearing of the application for injunction as well as the suit may be expedited.

I have heard the learned advocates for the parties and perused the materials on record.

The impugned order was passed for implementation of the order dated December 4, 2020, which was set aside by a coordinate bench in CO 835 of 2021. Since the parent order dated December 4, 2020, is no more in existence, there is no question of its implementation at present. Accordingly, the order dated January 22, 2021 is set aside.

It has been uniformly submitted by the learned advocates for the parties that the hearing of the application for injunction is still pending. The petitioner is directed to file the written statement and written objection to the injunction application, if not filed in the meantime, on or before November 9, 2021.

The learned Civil Judge, Junior Division, Bidhannagar, is requested to dispose of the injunction application as expeditiously as possible and preferably by the end of December 2021 without granting any unnecessary adjournments to either of the parties.

CO 847 of 2021 accordingly stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Hiranmay Bhattacharyya, J.)