

02.12.2021
(S/L-17)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 941 of 2021

Ananta Biswas & Ors.
-Vs-
Amlendu Biswas & Ors.

Mr. Sarbananda Sanyal,
.... For the Petitioners.

The order proposed to be passed in the present application under Article 227 of the constitution of India would not cause any prejudice to the opposite parties, as such, service of notice of the said application upon the said opposite parties is dispensed with.

The defendant nos. 2,3,4,7,8, 9 and 10 in a suit for partition being Partition Suit no. 77 of 2020 pending before the Additional Court of learned Civil Judge (Senior Division) Berhampore, District-Murshidabad are the petitioners of the present application under Article 227 of the Constitution of India.

The petitioners are complaining inordinate delay in disposal of an application filed by the plaintiff/opposite party no.1 in the said suit under Order XXXIX Rules 1 & 2 of the Code of Civil Procedure and are praying for a direction upon the learned Trial Judge for expeditious disposal of it.

The application under Order XXXIX Rules 1 & 2 of the Code by its nature demands expeditious disposal.

It appears from the record that the plaintiff is seeking injunction only against defendant no.10, therefore, service of notice of the said application for injunction upon the other defendants may be dispensed with, if prayed for.

Mr. Sarbananda Sanyal, learned advocate appearing for the petitioner submits that the defendant no. 10 has already filed written objection to the said application for injunction.

C.O 941 of 2021 is disposed of by requesting the learned Trial Judge to dispose of the said application expeditiously preferably within a period of three effective available working months of the said Court and in doing so shall not grant any unnecessary adjournment to either of the parties.

There shall be no 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.)