

(18)
31.08.2021
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

(Via Video Conference)

CO No. 1021 of 2021

Sri Sailen Parbat @ Sailendra Nath Parbat
-versus-
Joydeb Mondal & ors.

Mr. Debabrata Acharyya,
Mr. Sital Samanta,

... for the petitioner.

Mr. Murali Mohan Roy,
Mr. Debasish Kundu,
Mr. Soumya Subhra Ray,

... for the O.P. Nos. 1 & 5.

The defendant in a suit for permanent injunction is the petitioner of the present application under Article 227 of the Constitution of India.

The petitioner by the present application is praying a direction upon the learned Trial Judge for expeditious disposal of the connected suit.

Mr. Soumya Subhra Ray, learned counsel appearing for the opposite party nos. 1 and 5, informs this Court that some of the parties to the connected suit have died and the applications for substitution of the heirs and legal representatives of the said deceased parties are pending.

The direction as prayed for cannot be passed pending disposal of the application for substitution.

CO 1021 of 2021 is therefore dismissed without any order as to costs.

This order however will not prevent the petitioner to apply for similar relief at the appropriate stage of the suit.

The learned Trial Judge is requested to dispose of the said pending applications for substitution expeditiously.

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

(Biswajit Basu, J.)