

CO No.1044 of 2021

Tapan Ghosh
-vs-
Pranab Ghosh

Mr. Sandip Das
Mr. Jayanta Narayan Chatterjee
Ms. Nandini Chatterjee
... for the petitioner

The Court is approached under Article 227 of the Constitution of India soliciting directions to ensure expeditious disposal of two applications, one, for temporary injunction under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure filed on 15th September 2020 in Title Suit No. 330 of 2020 in the Court of Learned Civil Judge (Junior Division), 1st Court, Barasat and another application praying for rejection of plaint filed by the defendant / opposite party under Order VII Rule 11 of the Code of Civil Procedure filed on 17th February 2021 in the same suit.

Learned advocate representing the petitioner submits that in this case, prayer for ad interim injunction was refused and subsequently an application for rejection of the plaint has been filed by the defendant. According to the petitioner, both the pending applications have to be expeditiously disposed of.

In view of the nature of the order having proposed to be made, the Court is of the view that the point is very short and simple requiring no extensive hearing and the matter may even be disposed of without inviting presence of the opposite party. Accordingly, service of notice upon the opposite party stands dispensed with.

This Court is quite alive of the fact that due to COVID-19 situation, together with its proliferations, the manner of functioning of the Court has been largely disturbed. However, having regard to the submissions advanced by the learned advocate for the petitioner, the Court below is directed to dispose of the temporary injunction applications and the prayer for rejection of the plaint under Order VII Rule 11 of the Code of Civil Procedure as expeditiously as possible, preferably within June 2022.

Learned advocate for the petitioner is directed to make communication of this order to the opposite party as well as to the learned advocate and also to the learned Court below.

With the above directions and observations, the civil revisional application being CO 1044 of 2021 is disposed of.

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

(Subhasis Dasgupta, J.)

