

S/L 7
28.04.2021
Court. No. 19
GB

C.O. 1104 of 2021

Raojahan Ali Khan & Anr.
Vs.
Jakir Hossain Khan & Ors.

(Through Video Conference)

Mr. Udaynarayan Betal,
Mr. Sk. Toslim Ali.

...for the Petitioners.

Mr. Iftekar Munshi.

...for the Opposite Parties.

The petitioners pray for expeditious disposal of Misc. Appeal No.34 of 2021 pending before the learned Additional District Judge, 1st Court at Uluberia along with the application for stay and injunction.

The miscellaneous appeal arises out of an order dated April 16, 2021 passed by the learned Civil Judge (Junior Division) at Amta, by which the application for temporary injunction filed by the petitioners in Title Suit No.103 of 2020 was rejected.

It is the contention of the petitioners that there is some urgency involved in view of the fact that an injunction is necessary because the opposite parties are continuing with the construction on the suit property.

It is further stated that the appeal along with the papers filed in connection with the appeal have been served upon the opposite parties. Mr. Iftekar Munshi, learned advocate appears on behalf of the opposite parties.

The revisional application which has been served upon Mr. Munshi's client, contains the appeal papers. Service of notice of the Misc. Appeal is dispensed with. The opposite parties are at liberty to file their written objection to the application for stay and injunction as also to the miscellaneous appeal within a period of ten days from date and the learned lower appellate court is requested to dispose of the application and appeal pending before him expeditiously, preferably within a period of three months from the next date fixed. The appeal shall be disposed of on its own merits and in accordance with law, independently by the learned lower appellate court. This court has not entered into the merits of the appeal.

The revisional application is disposed of.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)