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Ct. No. 18
27.07.2021

**C.O. No. 1184 of 2021
(Via Video Conference)**

**M/S Tescon & Anr.
Vs.
The Punjab National Bank & Ors.**

Mr. Shobhantanu Bhattacharyya
... For the petitioners.

Mr. Abhishek Banerjee,
Ms. Parna Roy Choudhury
... For the opposite party bank.

The plaintiffs in a money suit being Money Suit No. 19 of 2021 pending before the learned Judge, Commercial Court at Asansol, District Paschim Bardhman are the petitioners of the instant application under Article 227 of the Constitution of India.

The petitioners are challenging the Order No. 2 dated May 21, 2021 passed in the said suit.

The learned trial Judge by the order impugned has referred the dispute for mediation to the mediator in terms of Rule 3(7) of the Commercial Courts (Pre-Institution Mediation and Settlement) Rules, 2018.

Learned counsel for the parties jointly submit that the said mediation process is over.

Mr. Bhattacharyya, learned counsel appearing on behalf of the petitioners submits that the application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure filed by the petitioners in the said suit may be heard expeditiously.

Mr. Banerjee, learned counsel appearing on behalf of the opposite parties submits that the written objection to the

said injunction application has not yet been filed by his clients and he prays time to file such written objection.

Mr. Bhattacharyya submits that August 2, 2021 is the next date fixed for hearing of the said injunction application before the learned trial Judge and he prays that the hearing of the said application may be taken on the said date.

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

The learned trial Judge, subject to his convenience is requested to take up the hearing of the said application for injunction on the said next date fixed, if the said application is otherwise ready for hearing.

The parties shall exchange their affidavits on the said application before the said date.

In view of the above direction, the learned trial Judge shall not grant any unnecessary adjournment to either of the parties.

It is made clear that this Court is not expressing any opinion regarding the merit of the said application for injunction.

C.O. 1184 of 2021 is thus disposed of without any 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.)