

13.09.2021

CO 1334 of 2021

court no. : 07
Item no. : PB - 22
matter : revision
status : DISPOSED OF
transcriber : nandy

M/s D.B. Machine Tools (P) Ltd.
Vs.
Pinaki Ranjan Gupta & Ors.

Mr. Souradipta Banerjee, Advocate
Mr. Subjait Mullick, Advocate

.....for the Petitioner

Mr. Malay Bhattacharya, Advocate

.....for the Opposite Party No. 1

Mr. Alak Kumar Ghosh, Advocate

Mr. Swapan Kumar Debnath, Advocate

.....for the Opposite Party No. 3

The Court is approached under Article 227 of the Constitution of India soliciting a direction to ensure expeditious disposal of a petition filed by the petitioner/defendant no. 2 intending to undertake repairing work in respect of the subject property.

Mr. Malay Bhattacharya, learned Advocate, appearing for the opposite party no. 1/plaintiff submits that the plaintiff has also filed one application under Section 151 of the Code of Civil Procedure dated January 13, 2021 for the alleged violations of the injunction order, but no order in terms of his petition has yet been passed. But he is fair enough to submit that he has no objection to the expeditious disposal of the petition, filed by the defendant no. 2/petitioner, provided his application dated January 13, 2021 is also heard out expeditiously.

Mr. Alak Kumar Ghosh, learned Advocate, appearing for the Kolkata Municipal Corporation, submits that though the proposed direction sought to be obtained is innocuous, but the prayer for repairing work should be

decided by the learned Court below providing sufficient opportunities of hearing to both the parties and if necessary, by allowing written-objections to be filed for the purpose.

The point thus required to be addressed by this Court, is very short and simple which requires no extensive hearing.

Incidentally, the learned Advocate for the petitioner invites attention of the Court to an order dated August 22, 2016 directing that there will be interim mandatory order of injunction prohibiting the defendants not to make further construction of the building, unless the same is being done under the direct supervision of the empanelled structural engineers recognized by the Kolkata Municipal Corporation.

Having considered the submission of both sides, the learned Court below is directed to dispose of the petition expeditiously as possible, filed by the defendant no. 2, dated March 1, 2021 with a prayer for undertaking repair work simultaneously with other pending interlocutory applications filed by the plaintiff like the petitions dated January 12, 2018 and January 13, 2021 upon providing sufficient opportunity of hearing to either of the parties and without granting unnecessary adjournment, preferably within February 2022.

In doing such exercise, the learned Court below is requested to regularize the dates, if necessary, upon giving adequate notice to both sides so that the date fixed

may be effectively utilized and honest endeavour may be made by the learned Court below to dispose of the interlocutory applications within the period mentioned here-in-above.

With these observations, the revisional application being **CO 1334 of 2021** is **disposed of**.

The petitioner is directed to communicate this order to the learned Court below.

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

(Subhasis Dasgupta, J.)