

07.09.2021
Item No.12
Ct. No.7
CHC

**C.O.1347 of 2021
(Physical Hearing)**

**Nani Gopal Das & anr.
Vs.
Dilip Kumar Das & ors.**

Mr. Tarak Nath Halder
...for the petitioners

The Court is approached under Article 227 of the Constitution of India soliciting a direction to ensure expeditious disposal of a temporary injunction application under Order XXXIX Rule 1 and 2 C.P.C. and another application under Order VII Rule 11 C.P.C. filed by the defendants.

Mr. Tarak Nath Halder, learned advocate representing the petitioners/plaintiffs submits that the prayer for ad interim injunction was refused in Title Suit No.412 of 2019 of learned Civil Judge (Junior Division), Second Court, Sealdah, South 24 Parganas on 01.10.2019 in connection with a suit for declaration and injunction. Subsequently, the injunction matter has not yet been disposed of.

It is also submitted by the learned advocate for the petitioners that on 18th March, 2021, defendants/opposite parties filed a separate

application under Order VII Rule 11 C.P.C, which is also pending for hearing.

Learned advocate for the petitioners in such context, proposes for recording an innocuous direction directing the learned court below to expeditiously dispose of both the applications under Order XXXIX Rule 1 and 2 C.P.C. dealing with injunction matter, and another application under Order VII Rule 11 C.P.C.

The Court is quite alive of the fact that due to the impact of COVID-19 and its proliferation there has been disturbance in the ordinary function of the court.

The point requires to be addressed is very short and simple requiring no extensive hearing, and the same may even be disposed of without inviting presence of the opposite parties. The service upon the opposite parties, accordingly, stands dispensed with, in view of the nature of the order proposed to be made in this case.

Having considered the submission of learned advocate for the petitioners, learned Civil Judge (Junior Division), 2nd Court, Sealdah, in Title Suit No.412 of 2019 is directed to dispose of the application for temporary injunction under Order XXXIX Rule 1 and 2 C.P.C. either on the scheduled date, or if for any reasons whatsoever, the same could

not be done, the matter may be disposed of within four weeks thereafter peremptorily providing sufficient opportunity of hearing to either of the parties to this case.

Incidental to the disposal of the injunction application, the learned court below must try to ensure expeditious disposal of the pending application under Order VII Rule 11 C.P.C., if same is otherwise ready for hearing.

Learned advocate for the petitioners is directed to file written objection before the learned court below against application under Order VII Rule 11 C.P.C., if not already filed, so as to ensure expeditious hearing of the application for Order VII Rule 11 C.P.C.

With the above observations/directions, the instant revisional application stands disposed of.

Petitioners are directed to make communication of this order to the learned court below as well as to the opposite parties and their learned advocates.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)