

S/L 171
20.09.2021
Court No.7
sb

CO 1377 of 2021
(Via Video Conference)

Kamaruddin Sk. & Anr.
Vs.
Purnima Bittar & Ors.

Mr. Ziaul Haque,
Mr. Himadri Kumar Mahata

... for the petitioners

The petitioners who are the defendants have filed the instant application under Article 227 of the Constitution of India praying for expeditious disposal of the application for temporary injunction filed in connection with Partition Suit No. 292 of 2019 pending before the learned Civil Judge, Senior Division, 2nd Court at Berhampore, District Murshidabad.

It appears from the record that the plaintiffs and the defendant nos. 1 and 2 are directed to maintain status quo with regard to the nature and character of the suit property by an order dated September 5, 2019. The grievance of the petitioner is that the said ad interim order of injunction is being extended from time to time and the application for temporary injunction is yet to be disposed of. Records reveal that July 9, 2021 was fixed for hearing of the injunction application and it has been submitted by the learned

advocate for the petitioner the same was also not taken up for hearing on that date.

In view of the order sought and proposed to be passed, there is no necessity of issuing any notice upon the opposite parties. However, the petitioner shall be obliged to forward a copy of this application as well as this order upon the opposite parties or the learned advocates representing the opposite parties in the court below forthwith.

Since the application for temporary injunction is pending for quite a long time, CO 1377 of 2021 is disposed of by requesting the learned Civil Judge, Senior Division, 2nd Court, Berhampore, District Murshidabad to take up the hearing of the injunction application on the next date fixed and to make endeavour to dispose of the same as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

However, there shall be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)