

17.08.2021
(S/L-07)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 1410 of 2021

Asha Agarwal & Ors.

-Vs-

Williamson Magor & Company Limited & Ors.

Mr. S. N. Mukherjee,
Mr. R. Banerjee,
Mr. S. Sengupta,
Mr. O. Chatterjee,
Mr. Indranil Karfa,
..... For the Petitioner.

Mr. Sayantan Bose,
.... For the Opposite Party No.2.

Ms. Asmita Rakheeha,
.... For the Opposite Party No. 4.

Mr. R Medora,
Mr. Ramaya Hariharan,
... For the Opposite Party No. 5.

The plaintiffs in a suit for declaration and injunction are the petitioners of the present application under Article 227 of the Constitution of India which is directed against the order dated July 30, 2021, August 4, 2021 and August 12, 2021 passed by the 2nd Court of Learned Civil Judge (Senior Division) at Alipore, in the said suit being Title Suit No. 804 of 2019.

The petitioners in the said suit has filed an application under Section 151 of the Code of Civil Procedure alleging that all on a sudden during the pendency of the said suit they have been

served with a notice under Section 13(4) of The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 causing a reasonable apprehension of dispossession from the suit property in their minds.

The petitioners by the said application have prayed for appropriate order of injunction to protect their possession over the suit property.

The grievance of the petitioners is that neither an ad interim protection on the said application was provided to them nor the said application has been disposed of till date.

The learned counsel for the parties inform this Court that tomorrow is the date fixed for hearing of the said application.

This Court feels that the protection prayed for by its nature requires expeditious disposal of the said application.

The learned Trial Judge is therefore requested to take up the hearing of the said application on the date fixed and to make all endeavour to dispose it of on the said date itself. In the event for any reasons beyond control if the said application cannot be disposed of on the said date it must be disposed of within ten days thereafter and in doing so the learned Trial Judge

shall not grant any unnecessary adjournment to either of the parties.

C.O 1410 of 2021 is disposed of with the above terms 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.)