

06.09.2021
Item No.15
Ct. No.7
CHC

**C.O.1506 of 2021
(Physical Hearing)**

**Bharatiya Bigyan O Yuktibadi Samiti, a society
registered under the Societies Act**

Vs.

**Registrar of Societies, Farms and Non-Trading
Corporation & ors.**

Mr. Pritam Choudhury,
Mr. Ujjal Sarkar,
Mr. Abhisek Addhya
...for the petitioner

The Court is approached under Article 227 of the Constitution of India soliciting a direction to ensure expeditious disposal of Title Suit No.570 of 2018, now pending before learned Judge, VIIth Bench, City Civil Court, Calcutta.

Adverting to page 167, annexed with instant revisional application, learned advocate for the petitioner, Mr. Pritam Choudhury, submits that by order dated 15th May, 2018, the prayer for ad interim injunction was refused by the learned court below and thereafter the matter was fixed for hearing for injunction application with further direction upon the

petitioner to furnish requisites as regards compliance for the purpose.

It is contended by learned advocate for the petitioner that without disposing of the injunction application, the court abruptly fixed date for framing of issues, which is highly illegal, because disposal of injunction application is extremely necessary before making mark of commencement of the trial.

In course of hearing, it is gathered that next date is fixed on 30th November, 2021 before the learned court below.

In such context, learned advocate for the petitioner has proposed for recording an innocuous direction directing the learned court below to dispose of the injunction application, before making mark of commencement of the trial. The point is very short and simple requiring no extensive hearing and the same may be even disposed of without inviting presence of the opposite parties/defendants. In view of the nature of the order proposed to be made in this case, the service of notice upon the opposite parties is thus dispensed with.

Learned Judge, VIIth Bench, City Civil Court, Calcutta, in Title Suit No.570 of 2018 is directed to dispose of the injunction application first either on the scheduled date, or if for any reasons whatsoever the same could not be done, the matter may be

disposed of within eight weeks thereafter peremptorily providing sufficient opportunity of hearing to either of the parties to this case.

In doing such exercise, learned court below is further directed to regularise the date for hearing of the injunction application, if necessary, upon issuing notice to the other sides, so that the next date in terms of this order, may be effectively utilised.

Petitioner is directed to make communication of this order not only upon the learned court below, but also to the opposite parties and their learned advocates so that both parties may come prepared ready for effective utilisation of the date/dates for disposal of the pending injunction application.

With this direction/observation the revisional application stands disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

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.)