

03,DL,Ct.18
16.09.2021
AJ.

C.O. 1538 of 2021

(Through Video Conference)

Sarmistha Samui nee Mondal
-Vs-
G.K. Samui & Co. & Anr.

Md. Nure Zaman,
Mr. Jahangir Badsha.
... for the petitioner.

Mr. Fasiur Rahman,
Ms. Mukulika Saha.
....for the opposite parties.

The defendant in a suit for declaration being Title Suit No. 1036 of 2020 pending before the learned Judge, 3rd Bench of City Civil Court at Kolkata is the petitioner of the present application under Article 227 of the Constitution of India.

The grievance of the petitioner is that she has filed an application under Order XXXIX Rule 4 of the Code of Civil Procedure praying variation and/or modification of the ad-interim order of injunction passed in the suit on an application filed by the plaintiffs/opposite parties under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, but the learned Trial Judge is proposing to dispose of the injunction application first, keeping the application under Order XXXIX Rule 4 of the Code pending.

The application filed by the petitioner for variation and/or modification of ad interim order of injunction will be losing its significance after

disposal of the main injunction application, therefore the said application under Order XXXIX Rule 4 of the Code be also disposed of along with the main application for injunction, treating it as a part of the written objection of the petitioner to the said injunction application.

The learned Trial Judge is requested to dispose of the injunction application expeditiously without granting any unnecessary adjournment to either of the parties.

C.O. 1538 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.)