

19,Ct.18.
26.07.2021
AJ.

C.O. 2249 of 2018

Pratul Kujmar Sikder
-Vs-
Namita Das & Ors.

Mr. Siva Prasad Ghose.
... for the petitioner.

Mr. Arup Kumar Das.
.....for the opposite party no.2.

The defendant no.1 in a suit for declaration of title and injunction is the petitioner of the present application under Article 227 of the Constitution of India.

The plaintiffs/opposite parties in the suit filed an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure and prayed for an ad-interim order on the said application.

The learned Trial Judge refused the said prayer of the plaintiffs, aggrieved thereby the plaintiffs have preferred the connected miscellaneous appeal being Miscellaneous Appeal No. 61 of 2018.

The learned District Judge by the order impugned being Order No.2 dated June 19, 2018 passed an ad-interim order of injunction restraining the respondent, the petitioner herein, from raising any construction over the 'C' schedule property till the disposal of the injunction application filed in the said miscellaneous appeal.

The appeal and the application thereto are pending disposal, the ad-interim order of injunction was passed way back on June 19, 2018.

This Court, therefore, feels that justice would be sub-served if the present revisional application is disposed of by directing the appeal Court below to dispose of the said miscellaneous appeal and the connected application expeditiously.

In view of the above, C.O. 2249 of 2018 is disposed of by requesting the learned Additional District Judge, 5th Court at Barasat, 24-Parganas (North) where the said miscellaneous appeal is now pending to dispose of the said miscellaneous appeal and the connected application as expeditiously as possible, preferably, within a period of four weeks from the date of communication of this order and in doing so shall not grant any unnecessary adjournment to either of the parties.

It is made clear that this Court has not gone into the merit of the miscellaneous appeal.

There shall be no order for 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.)