

17,DL,Ct.18  
27.09.2021  
AJ.

**C.O. 1584 of 2021**  
**(Through Video Conference)**

**Swapan Kumar Ghosh & Ors.**  
**-Vs-**  
**Bholanath Ghosh & Ors.**

Mr. Sukanta Chakraborty,  
Mr. Anindya Halder.  
... for the petitioners.

The order proposed to be passed in the present application under Article 227 of the Constitution of India would not cause any prejudice to the opposite parties, as such, service of notice of the present application upon the said opposite parties is dispensed with.

The petitioners are the defendant nos. 6 to 9 in a suit for partition being Title Suit No. 1350 of 2018 pending before the 5<sup>th</sup> Court of the learned Civil Judge (Senior Division), Alipore, District 24-parganas (South).

The petitioners are complaining inordinate delay in disposal of an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure filed by the plaintiffs in the said suit which is pending since December 21, 2018. The petitioners are suffering an ad- interim order of injunction passed on the said application.

Mr. Chakraborty, learned advocate appearing on behalf of the petitioners submits that the said application although is ready for

disposal, but the same has not yet been disposed of due to some reason or other, he, therefore, prays for a direction upon the learned Trial Judge for expeditious disposal of the said application.

An application under Order XXXIX Rules 1 and 2 of the Code by its nature requires expeditious disposal.

If the said application is otherwise ready for disposal, the learned Trial Judge is requested to dispose of it expeditiously, preferably within two effective working months from the date of communication of this order without granting any unnecessary adjournment to either of the parties.

C.O. 1584 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.)**