

21.9.
2021

CO 1672 of 2021

Sk Kuddus Alam

-vs-

**Bharat Petroleum Corporation Ltd. and Ors.
(Via Video Conference)**

Mr. Swapan Banerjee ,
Mr Kunal Ganguly

... for the petitioner

The grievance of the petitioner is that in spite of fact that the defendant no. 4 has been served with the copy of the temporary injunction but the learned Court below is not taking up the hearing of the application under Order 39 Rule 1 and 2 of the Code of Civil Procedure.

It has been submitted by Mr. Banerjee that an order of injunction has been prayed for only against the defendant no. 4 and as such there is no impediment on the part of the learned Court below to take up the hearing as the application under Order 39 Rule 1 and 2 of the Code has already been served upon the said defendant.

In view of the order sought and proposed to be passed there is no necessity of issuing any notice upon the opposite parties. However, the petitioner shall be obliged to forward a copy of this application as well as this order upon the opposite parties or their learned advocates appearing in the Court below forthwith.

CO 1672 of 2021 is disposed of by requesting the learned Civil Judge (Junior Division), Additional Court, Asansol, Paschim Bardhaman to take up hearing of the application under Order 39 Rules 1 and 2 of the Code on the next date fixed i.e. on September 22,2021 if the same is otherwise ready for hearing and to dispose of the same as expeditiously as possible and preferably

within a period of two months from the next date fixed without granting any unnecessary adjournment to either of the parties .

Urgent photostat certified copy of this order, if applied for, be given to the learned advocate for the parties on usual undertakings.

(**Hiranmay Bhattacharyya, J.**)