

24.09.2021
(S/L-17)
Ct.-18
(Susanta)

(Via Video Conference)
C.O. 1694 of 2021

CESC Limited & Anr.

-Vs-

Sri Manas Das

Mr. S. P. Mukherjee,

Mr. Soumya Majumdar,

Mr. Debanjan Mukherjee,

.... For the Petitioners.

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

The petitioners are the defendants in a suit for declaration.

The petitioners are complaining inordinate delay in disposal of an application filed by the plaintiff/opposite party under Order XXXIX Rules 1 & 2 read with Section 151 of the Code of Civil Procedure and the application under Order XXXIX Rule 4 of the Code thereto filed by the petitioners.

Mr. S. P. Mukherjee, learned advocate appearing on behalf of the petitioners submits that the said application for injunction was filed by the plaintiff on April 09, 2012 and since then he is enjoying an ad interim order of injunction passed on the said application, the petitioners

have filed an application under Order XXXIX Rule 4 of the Code for vacating the said ad interim order of injunction, the said applications although are ready, yet the plaintiff is delaying disposal of the said applications.

Mr. Mukherjee, therefore, prays for a direction upon the learned Trial Judge for expeditious disposal of the said applications.

An application under Order XXXIX Rules 1 & 2, by its nature, requires expeditious disposal.

The grievance of the petitioners therefore, is justified particularly when, they are suffering an ad interim order of injunction passed on the said application.

The 2nd Court of learned Civil Judge (Junior Division) at Barrackpore, District- 24-Pargas (North) is requested to dispose of the said application for injunction along with the application filed by the petitioners under Order XXXIX Rule 4 of the Code as expeditiously as possible, preferably within a period of one effective working month from the date of communication of this order and in doing so shall not grant any unnecessary adjournment to either of the parties.

The petitioners are required to communicate this order to the learned advocate representing the opposite party in the Court below before the next date fixed in the said suit.

C.O 1694 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.)