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Ct. 18  
29.09.2021

**C.O. No. 1704 of 2021  
(Via Video Conference)  
Shrimati Soma Saha  
Vs.  
Shrimati Supriya Saha & Ors.**

Mr. Sourav Sen,  
Mr. Adrisnata Chakraborty ... For the petitioner.

Mr. Sourav Sen, learned advocate appearing on behalf of the petitioner files a supplementary affidavit, which is taken on record.

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 petitioner is the plaintiff of Title Suit No. 232 of 2021 pending before the 1<sup>st</sup> Court of learned Civil Judge, (Junior Division), at Barrackpore, District – 24 Parganas (North).

The petitioner in the said suit filed an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure. The petitioner complains that her prayer for and ad interim order of injunction was not entertained by the learned trial Judge since some of the defendants/opposite parties have lodged caveat.

Mr. Sen submits that the defendants have entered appearance in the suit and have filed their respective

written objections to the said application, he prays that the prayer of the petitioner for interim injunction may be considered on the next date fixed for hearing of the said application which is on October 05, 2021.

Caveat gives a right to the caveator to appear before the Court on the hearing of an application in respect of which such caveat has been lodged. The prayer of the plaintiff for an ad interim order of injunction cannot be deferred merely because a caveat has been lodged.

C.O. 1704 of 2021 is disposed of by requesting the learned Trial Judge to dispose of the said application for injunction as expeditiously as possible preferably within a period of one effective working month of the Court without granting any unnecessary adjournment to either of the parties.

In the event the learned Trial Judge is unable to dispose of the said application within the time stipulated hereinabove he shall consider the prayer of the plaintiff for an interim injunction.

There shall be no order as to costs.

The petitioner is required to communicate this order to the learned advocate representing the defendants/opposite parties in the Court below.

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.)