

17.11.2021
(S/L-56)
Ct.-18
(Susanta)

(Via Video Conference)

C.O. 1710 of 2021

Smt. Sarmistha Bhaduri

-Vs-

Sri Soumya Sundar Bandyopadhyay

Mr. Kallol Basu,
Mr. Nilanjan Pal,
Mr. Swapnamoy Sakrar,
.... For the Petitioner.

Mr. Dipanjan Dutta,
... For the Opposite Party.

The Affidavit-of-service filed in Court today
be kept with the record.

The defendant in a suit for partition being
Title Suit No. 107 of 2018 pending before the
learned Civil Judge (Senior Division), Serampore,
District- Hooghly is the petitioner of the of the
present application under Article 227 of the
Constitution of India.

The petitioner is complaining inordinate
delay in disposal of an application filed by her
under Order XXXIX Rule 4 of the Code of Civil
Procedure and is praying a direction upon the
learned Trial Judge for expeditious disposal of
the said application.

The ad interim order of injunction passed in
the suit at the instance of the plaintiff/opposite
party, is still subsisting.

The petitioner on July 22, 2018 filed the said application for variation and modification of the said ad-interim order of injunction.

In view of subsequent amendment of plaint there is no possibility of disposal of the application for injunction in near future, therefore, the application filed by the petitioner under Order XXXIX Rule 4 of the Code is required to dispose of expeditiously.

The learned Trial Judge is requested to dispose of the said application in accordance with law expeditiously preferably within a period of two available effective working months of the said Court from the date already fixed in the said suit and to adhere to the time limit fixed by this order for disposal of the said application, the learned Trial Judge shall not grant any unnecessary adjournment of either of the parties.

C.O. 1710 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.)