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AGM 2021
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C.O. 1797 of 2021

Palash Naskar
Versus
Fatik Chandra Naskar & Ors

(Via Video conference)

Mr. Joydeep Acharya,
Mr. Anindya Bose,
Mr. Diptendu Mondal,
... For the Petitioner.

The Court is approached under Article 227 of the Constitution of India soliciting a direction to ensure expeditious disposal of a Title Suit No. 167 of 2014 now pending before the learned Civil Judge (Senior Division), 5th Court at Alipore.

Mr. Joydeep Acharya, learned advocate representing the petitioner/defendant submits that the order passed by the learned 1st lower appellate Court in Misc Appeal Not. 328 of 2014 directing the Trial Court to dispose of the application under Order 39 Rule 1 and 2 of the Code of Civil Procedure expeditiously as possible, has not been complied with by the Trial Court in spite of the direction of the first appellate Court being communicated and till date the temporary injunction application under Order 39 Rule 1 and 2 of the Code of Civil Procedure has not been disposed of.

In view of the nature of the order proposed to be made and the point sought to be addressed by this Court, the Court is of the view that it does not require any extensive hearing, and the matter may be instantly disposed of giving a suitable direction

therefor, even without securing presence of the opposite parties.

Accordingly, service upon the opposite parties stands dispensed with.

The learned Court below is directed to expeditiously dispose of the pending temporary injunction application under Order 39 Rule 1 and 2 of the Code of Civil Procedure upon sensing the direction contained in the Misc Appeal No. 328 of 2014 passed by the first lower appellate Court, so that logical conclusion of the injunction matter may be reached at an early date.

In doing such exercise, it is clarified that both the parties must be given sufficient opportunities of hearing to present their respective cases, but without granting unnecessary adjournments, unless it is extremely unavoidable.

The petitioner is directed to communicate this order to the opposite parties and their learned advocates appearing in the Court below, apart from making independent communication to the learned Court below.

With these directions and observations the revisional application stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the appearing parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J)