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Ct. 18
08.11.2021

**C.O. No. 1820 of 2021
(Via Video Conference)
Ashit Kundu
Vs.
Somnath Guha & Ors.**

Mr. Tarak Nath Halder ... For the petitioner.

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 the connected suit for declaration and injunction being Title Suit No. 308 of 2020 pending before the 2nd Court of learned Civil Judge, (Junior Division) at Sealdah, District – 24 Parganas (South).

The petitioner in the said suit has filed an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure. The learned Trial Judge on the said application has passed an ad interim order of injunction on December 02, 2020 thereby directed the parties not to change the nature and character and possession of the suit property and also restrained the defendants from creating any kind of obstruction in the plaintiff's ingress and egress to the suit property.

The petitioner on January 28, 2021 has filed an application under Section 151 of the Code praying implementation of the said order of injunction by police assistance alleging disobedience of the said ad-interim order of injunction by the defendants/opposite parties.

The petitioner complains unnecessary delay in disposal of the said application and prays a direction upon the learned Trial Judge for expeditious disposal of the said application.

In view of the nature of the application, the learned Trial Judge is requested to dispose of the said application in accordance with law as expeditiously as possible, preferably within a period of four effective available working weeks of the Court below from the date of communication of this order and in doing so shall not grant any unnecessary adjournment to either of the parties.

It is made clear that this Court is not expressing any opinion regarding the merit of the said application, it is for the learned Trial Judge to decide the same.

The petitioner shall communicate this order to the opposite parties within a week from date.

C.O. 1820 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.)