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Ct. 18
17.11.2021

**C.O. No. 1823 of 2021
(Via Video Conference)**

**Sri Rabindra Nath Panda
Vs.
Sir Subhra Kanti Das & Ors.**

Mr. Narayan Chandra Ghosh,
Mr. Falguni Bandyopadhyay ... For the petitioner.

Mr. Supriyo Kr. Ray,
Ms. Esha Majumder ... For the opposite parties.

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

The petitioner is the plaintiff of Title Suit No. 342 of 2021 pending before the 2nd Court of learned Civil Judge, (Junior Division) at Sealdah.

The plaintiff aggrieved by the order dated September 21, 2021 passed by the learned Trial Judge refusing to grant an ad interim order of injunction on an application filed by him under Order XXXIX Rules 1 & 2 of the Code of Civil Procedure, preferred the connected appeal being Misc. Appeal No. 39 of 2021 which is pending before the 1st Court of learned Additional District Judge at Sealdah.

The appeal Court below by the order impugned being Order No. 52 dated September 27, 2021 has also refused to pass an ad interim order of injunction in the said appeal.

Mr. Supriyo Kr. Ray, learned counsel appears on behalf of the defendants/opposite parties along with his junior Ms. Esha Majumder, learned advocate.

This Court is of the view that justice would be subserved if the application filed by the petitioner for

injunction before the learned Trial Judge is directed to be disposed of expeditiously.

Mr. Narayan Chandra Ghosh, learned counsel appearing on behalf of the petitioner submits that in the event the application for injunction is directed to be disposed of expeditiously, his client would not press the said miscellaneous appeal.

The learned Trial Judge is requested to dispose of the said application for injunction in accordance with law expeditiously, preferably within a period of two available effective working months of the said Court from the date of communication of this order and in doing so shall not grant any unnecessary adjournment to either of the parties.

In view of appearance of Mr. Ray in the present matter, further notice of the injunction application need not be given to the defendants.

The defendants are at liberty to file their written objection to the said application for injunction within two weeks from date; reply thereto, if any, be filed by the petitioner within one week from the date of receipt of the copy of such written objection.

Misc. Appeal No. 39 of 2021 is dismissed, the appeal Court below is requested to record the formal dismissal of the said appeal.

C.O. 1823 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.)

