

47. 01.12.2021
Ct. No.21
A.B.

C.O. 2042 of 2021

ICICI Bank Limited

-Versus-

M/s Manimaya Holdings Private Limited & Ors.

(Through Video Conference)

Mr. Subhankar Nag,
Mr. Abishek Guha,
Ms. Akansha Chopra,

...for the Petitioners.

Ld. Advocate appearing for the petitioner submits that the bank granted working facilities having limit of rupees 90 crore to O.P. No. 4 defaulted in payment of such money and at present and due O.P. No. 4 stands around rupees 32.04 crore. In the meantime the petitioner came to know about Title Suit No. 1201/ 2018 being filed by the O.P. No. 01 in the court of Civil Judge (Junior Division), 2nd Court, Alipore and where O.P. No. 2 has obtained ex parte injunction order. In order to set aside such ex parte order of injunction, the petitioner has filed a petition under order 39 rule 4 C.P.C. and which the court below has failed to dispose of till date in spite of the earlier order of this High Court dated 06.02.2020 for expeditious disposal of applications under order 39 rule 1 & 2 and under order 39 rule 4 C.P.C. He further submits

though Ld. Court below has been extending the interim order of injunction from time to time has not bothered to dispose of the petitioner's application. Therefore, he prays necessary order may be passed.

Perused the record and from where I find the Ld. Court below was pleased to take note of the direction of this High Court in its order dated 12.01.2021, but thereafter the court appears to have forgotten such direction and in casual manner has adjourned the case for another 14 dates till 22.09.2021. It is very unfortunate to note such conduct on the part of Ld. Court below.

The Ld. Court below is hereby strictly directed to dispose of the application under order 39 rule 1&2 filed by O.P. No. 1 and application order 39 rule 4 C.P.C. filed by the present petitioner on priority basis and within a period of one month from the date of receipts of the copy of this order and to see no adjournment is granted to the parties during pendency of hearing of the applications.

The department is directed to send a copy of this order to the Ld. Court below through special messenger immediately.

Since the petitioner has prayed for expeditious hearing of pending petitions in Title Suit No. 1201 of 2018, there is no possibility of causing any prejudice to the opposite parties. I see no reason to put the

opposite parties on notice. Service of notice on the opposite party is dispensed with.

Accordingly, C.O.2042 of 2021 is disposed of.

There will be no order as to costs.

All parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Kesang Doma Bhutia, J.)