

C.O. 3750 of 2005
CAN 3 of 2021
CAN 4 of 2021

In the matter of : Madhusudan Roy

Mr. M. Maiti
Mr. S.S. Beyerd ... for the petitioner

1. It appears that an inadvertent typographical error has crept into the order dated 14.7.2023 passed in this revisional application.
2. At the heading of the order sheet dated 14.7.2023, the name of the petitioner should actually be read as "Madhusudan Roy" instead of "Khudiram Khan",. The other portion of the order shall remain unaltered.
3. The inadvertent typographical error is hereby corrected and the order dated 14.7.2023 shall always be read conjointly with this order.

In Re : CAN 3 of 2021 and CAN 4 of 2021

4. Heard Mr. Maiti, learned counsel appearing on behalf of the petitioner.
5. There was a delay of seven days in filing the application for restoration of the revisional application to its original file after recalling the order dated 20.7.2021 passed by a Co-ordinate Bench. The delay is condoned. The explanation set out for non appearance of the petitioner before the Court on 20.7.2021 is

found to be sufficiently accepted. The revisional application be restored to its original file.

6. The applications being CAN 3 of 2021 and CAN 4 of 2021 are disposed of.
7. Mr. Maiti, submits that aggrieved by the order of the learned Trial Court to pass any order of ad interim injunction, the plaintiff preferred Misc. Appeal No. 16 of 2004 before the learned District Judge, Birbhum and an order was passed directing the parties to maintain *status quo* on 07.6.2004. But subsequently, learned District Judge was pleased to dismiss the said Misc. Appeal and directed the learned Trial Court to dispose of the temporary injunction application as expeditiously as possible giving the respondents an opportunity to file written objection. The respondents / defendants were also directed to appear before the learned Trial Court.
8. Though, this revisional application manifests the displeasure of the petitioner over the judgement impugned, I do not find any reason to hold the order impugned suffers from jurisdictional error or demonstrate any perversity. Therefore, I am not inclined to interfere with the order impugned.
9. Mr. Maiti submits that since the matter is pending for last eighteen years, learned Trial Court may be directed to dispose of the temporary injunction application asking the parties to the suit to maintain *status quo* as to the possession till the disposal of the suit.
10. However, I refrain myself from passing such direction, the revisional application is disposed of with a request to the

learned Trial Court to dispose of the temporary injunction application, if possible, by directing the parties to maintain *status quo* after giving an opportunity of hearing to all the parties and to take further steps to dispose of the suit keeping in mind the rights of the litigant to have expeditious justice.

11. The revisional application is disposed of along with application, if any.

(Siddhartha Roy Chowdhury, J.)