

DL. January
8. 18, 2021

Through Video Conference

F.M.A.T. 1331 of 2019 (assigned)

Mr. Aniruddha Chatterjee,
Mr. Javed K. Sanwarwala,
Ms. Farah Anjum,
...for the appellant.

Mr. Saptangshu Basu,
Mr. Khwaja A. Rahman,
...for the respondents.

Re: CAN 12286 of 2019 (injunction)
filed on December 17, 2019.

Although the matter is appearing under the heading application, we take up the appeal itself for hearing by treating the same as on day's list.

In a suit for partition, an ad interim ex parte order was passed on December 10, 2019 by directing the parties to maintain status quo in respect of the suit property describing in parts III, IX and X to the schedule of the injunction application till February 3, 2020. There is some confusion as to whether this order was extended beyond February 3, 2020 or not.

However, having regard to the nature of controversy between the parties and by reason of passage of time, we dispose of this appeal by requesting the learned Judge, twelfth Bench, City Civil Court at Calcutta, to dispose of the injunction application as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

Mr. Saptangshu Basu, learned senior advocate

representing the defendants/respondents, submits that written objection to the application for injunction possibly have not been filed in the suit.

Under such circumstances, written objection to the injunction application shall be filed before the learned trial judge within a period of two weeks from date; reply thereto, if any, within two weeks thereafter.

The parties shall be at liberty to mention the matter before the learned trial judge for expeditious disposal of the injunction application and in the event such prayer is made, we would request the learned trial judge to dispose of the injunction application preferably within a period of three months thereafter.

In view of disposal of the appeal, nothing remains in the application for injunction filed under CAN 12286 of 2019 and the same is also disposed of.

There will be no order as to costs.

(Soumen Sen, J.)

dns

(Aniruddha Roy, J.)