

02.03.2021
Court No. 19
Item No.07
CP

C.O. 1311 of 2020

Sri Tapan Pal
vs.
Bapi Dhara @ Ashim Dhara & ors.

Mr. Satrajit Sinha Roy
Mr. Manoj Kurmi

.....for the petitioner.

Affidavit of service is taken on record.

None appears on behalf of the opposite parties
despite service.

This is an application for expeditious disposal
of the Misc. Case No. 149 of 2017 arising out of Title
Suit No. 852 of 2011, pending before the learned
Civil Judge (Senior Division), 1st Court, Barasat.

It is the contention of the petitioner that the
Misc. Case arises out of an application under Order
39 Rule 2A of the Code of Civil Procedure filed by the
plaintiff alleging violation of the order of injunction
passed by the learned Trial Judge. It is stated that
the said application has been pending for the last
four years. It is further submitted that there is
already an order of this court directing the learned
court below to dispose of the said application within
a period of three months from February 14, 2019. It
is contended that still the said application is
pending. It is also stated that the defendants have

been taking several adjournments, as a result of which, the application has not been disposed of despite there being a direction of this court.

Having heard the learned advocate for the petitioner and without going into the merits of the claim of the petitioner, this revisional application is disposed of with a direction upon the learned court below to dispose of the application under Order 39 Rule 2A of the CPC positively within a period of two months from the next date fixed without granting unnecessary adjournments to either of the parties.

Learned court below shall proceed in accordance with law, independently and on the basis of the evidence and records before it.

The revisional application is disposed of. There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible subject to compliance of all usual formalities.

(Shampa Sarkar, J.)