

18.01.2021
Sl. No. 7
srm

C.O. No. 1450 of 2020
Sabyasaci Mullick Chowdhury
Vs.
Sanjib Poddar & Anr.

Mr. Deb Kumar Sen

...for the Petitioner.

Mr. Kallol Basu,
Mr. Nilanjan Pal

...for the Opposite Party No.1.

Affidavit of service is taken on record. The learned Advocate for the caveator is present.

This is an application for expeditious disposal of the application filed by the petitioner/defendant for rejection of the plaint under Order VII Rule 11 read with Section 151 of the Code of Civil Procedure.

It is the contention of the petitioner that an ad interim order of injunction was passed by the learned Civil Judge (Junior Division), 1st Court at Alipore, 24-Parganas (South) in Title Suit No.1041 of 2019. According to the petitioner, the ad interim order of injunction has been extended from time to time but the application for temporary injunction has not yet been disposed of. It is further submitted that the application for rejection of the plaint was filed on August 29, 2017 but the said application has also not been disposed of.

I do not find any reason as to why the said application under Order VII Rule 11 cannot be disposed of at the earliest.

Under such circumstances, without going into the merits of the case and the contention of the petitioner, the revisional application is disposed of with a direction upon the learned Civil Judge (Junior Division), 1st Court at Alipore, to dispose of the application under Order VII Rule 11 of the Code of Civil Procedure as expeditiously as possible, preferably within a period of one month from the next date fixed. If the written objection to the application under Order VII Rule 11 of the Code of Civil Procedure has not been filed by the plaintiff, then the same shall be filed within 10 days from date.

The learned Court below will proceed with the matter independently and on the merits of the case.

This revisional application is, thus, disposed of.

There will be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)