

04.01.2021
Court No. 19
Item No. 18
CP

C.O. 1575 of 2020

Sri Manik Chandra Naskar
vs.
Tribeni Pandit & ors.

Mr. Subrata Mukherjee

....for the petitioner.

Liberty is given to the advocate for the petitioner to correct the cause title here and now.

This is an application filed by the defendant no. 1 in Title Suit No. 180 of 2015, pending before the learned Civil Judge (Junior Division), 1st Court, Barasat praying for expeditious disposal of the suit.

Records reveal that the ad-interim order of injunction has been extended from time to time. Although the written statement was filed by the defendant no. 1 on June 26, 2015 and subsequently by other defendants, the acceptance of the said written statements is pending.

It appears that several dates have been fixed for acceptance of the written statements filed by the defendants 1, 2, 3 and 4 but no orders have yet been passed and the ad-interim injunction is being extended from time to time.

Under such circumstances, without going into the merits of the claim of the defendants and without passing any order with regard to the fact as to

whether the said written statements should be accepted or not, the revisional application is disposed of with a request to the learned court below to proceed expeditiously with regard to the question of acceptance and/or non-acceptance of the written statements filed by the defendants 1, 2, 3 and 4 upon giving an opportunity of hearing to the plaintiffs, preferably within a month from the next date fixed and thereafter proceed with the hearing of the injunction application.

It is also directed that if the defendants 1, 2, 3 and 4 have already filed their written objection to the application for injunction the same also should be disposed of expeditiously, preferably within two months from the next date fixed.

This court has not made any observations on the merits of the case and the contentions of the defendant no. 1 and the learned court below will proceed in accordance with law.

The petitioner is directed to serve a copy of the revisional application along with a server copy of this order upon the opposite parties within a week from date.

It is needless to mention that the learned court below will proceed independently without being influenced by any observations made hereinabove.

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.)