

05.01.2021
Sl. No.27
srm

C.O. No. 1668 of 2020

Md. Salim Khan

Vs.

Masuda Begum & Ors.

Mr. Biswaranjan Bhakat,
Mr. A.K. Sinha

...for the Petitioner.

By this revisional application, the appellant in Misc. Appeal No.05 of 2017 pending before the learned Fast Track-cum-Additional District Judge at Serampore has prayed for expeditious disposal of the Misc. Appeal. The Misc. Appeal was filed being aggrieved by the order of refusal to grant an interim injunction by the learned Civil Judge (Senior Division), Hooghly at Serampore in Title Suit No.3 of 2017.

It is the contention of the petitioner that the interim order of injunction was also refused by the learned lower appellate court and since 2017 the appeal is being dragged on for some reason or the other and the application for injunction as also the appeal is not being disposed of. It is submitted that the respondents in Misc. Appeal, i.e. the opposite parties have all been served with the notice of appeal and the appeal is ready for hearing.

Under such circumstances, if the appeal is otherwise ready for hearing, this Court finds that justice will be subserved if the learned lower appellate court is directed to

dispose of the Misc. Appeal within a period of three months from the next date fixed.

After the disposal of the appeal, the learned lower appellate court will immediately send down the file to the learned trial Court for disposal of the suit.

This Court has not gone into the merits of the case and counter-case of the parties.

The learned Court below will decide the matter independently and without being influenced by any observation made hereinabove.

The learned Advocate-on-record for the petitioner is directed to serve copies of this revisional application upon the opposite parties along with a server copy of this order within a period of seven days from date.

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.)