

18.01.2021
Item No.20
AP/ss

CO 37 of 2020

Parnika Commercial and Estates Pvt. Ltd.

-Vs.-

Granular Infra Project Pvt. Ltd. & Anr.

(Through Video Conference)

Mr. Sunil Kumar Sarkar, Advocate

... For the Petitioner present in Court.

Only prayer made in the present petition filed by the defendant in a suit pending in the Court of Civil Judge, Junior Division, Jalpaiguri is that in an appeal filed by the respondent against refusal of interim order by the Civil Judge, Junior Division, Jalpaiguri, the District Judge though had granted the interim relief on January 22, 2020, however, till date the appeal has not be disposed of finally. The matter requires urgent consideration as it pertains to construction of 100 bedded ESIC Hospital and Residential Complex at Siliguri. The contract for construction thereof was granted to the petitioner by HSCC (India) Limited vide award dated July 22, 2019. The respondent was sublet a part of the contract. Some dispute arose. It had filed a suit in the Court of Civil Judge, Junior Division, Jalpaiguri, where interim order was refused. In appeal filed against that order the District Judge had granted interim relief to the respondent and as a result of which it is proceeding with the construction to the prejudice of the petitioner.

In view of the aforesaid facts of the case, prayer is made for a direction to the learned Court below for expeditious disposal of the appeal as in any case any application filed for interim relief has to be finally disposed of within thirty days in case interim relief is granted.

After hearing learned counsel for the petitioner and considering the arguments as noticed above, the learned Court below namely District Judge, Jalpaiguri is directed to finally dispose of the Misc. Appeal No. 9 of 2020 filed by the respondent and pending in his court for hearing on 29.01.2021, within one month from the date of receipt of copy of this order.

Present petition is disposed of accordingly.

(Rajesh Bindal, J.)