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Ct.3

C.O. 62 of 2021

(Via Video Conference)

Ajit Kumar Agarwala
Vs.
Smt. Meena Rasaily and Ors.

Mr. Sagar Bandopadhyay
Mr. Ratul Das
...for the petitioner

The instant revision relates to a dispute between a tea garden owner and some persons alleged to be encroachers of a portion of the tea garden and carrying on commercial activities on the land.

It is found from the record that initially ad interim order of injunction was granted by the trial Court upon a suit filed by the petitioner against the opposite parties and an Advocate Commissioner was appointed under Order XXXIX Rule 7 of the Code of Civil Procedure.

Since the trial Court refused to grant ad interim injunction against the commercial activities allegedly done by the opposite parties, the petitioner preferred an appeal along with an application under Section 5 of the Limitation Act

before the District Judge, Darjeeling. The said appeal was registered as Misc. Appeal No.3 of 2021. The appeal along with an application under Section 5 of the Limitation Act has not been disposed of as yet. It is submitted on behalf of the petitioner that taking advantage of the pendency of the appeal the opposite parties are contemplating to commence commercial activities encroaching the garden land.

In spite of such circumstances, the instant writ petition is disposed of directing the learned District Judge, Darjeeling to dispose of Misc. Appeal No.3 of 2021 either in virtual or physical mode within 30 days from the date of communication of this order without giving any adjournment to either of the parties.

Parties are at liberty to act on the server copy of this order.

(Bibek Chaudhuri, J.)