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AKG 09-02-2022
Ct.21

C.O. 120 of 2022
Sri Debabrata Bose @ Babalarat Bose
Versus
Sri Kiran Sankar Biswas & Ors.
(VIA VIDEO CONFERENCE)

Mr. Krishnendu Bera,
Ms. Debolina Chakraborty
...for the Petitioner

Mr. Krishnendu Bera, learned advocate appears for the petitioner.

Record shows that no notice of this application has been served on the other side.

The petitioner by filing the present application under Article 227 of the Constitution of India have prayed for expeditious disposal of the Title Suit No. 1350 of 2015, pending before the learned Civil Judge (Senior Division), 3rd Court at Barasat.

The learned advocate for the petitioner submits that in Title Suit No. 1350 of 2015 and application under Order 13 Rules 1 & 2 C.P.C. filed by the plaintiff, pending since 2015.

The learned advocate further submits that necessary direction may be given to the learned Court below to dispose such pending injunction application.

Perused the application under Section 227 of the Constitution of India where the early disposal of Title Suit No. 1350 of 2015 and not that of an injunction application has prayed for.

Since the learned advocate for the petitioner prays for expeditious disposal of the injunction application, the prayer is allowed.

Having regard to the nature of relief claimed by the petitioner, being a prayer for expeditious disposal of the injunction application pending in Title Suit No. 1350 of 2015, I do not find any need to serve notice of the present application on the opposite party and it is not likely to cause any prejudice to the interest of the opposite party. Therefore, service of notice upon the opposite party is dispensed with.

The learned Civil Judge (Senior Division), 3rd Court at Barasat is requested to dispose of the pending application under Order 39 Rules 1 & 2 CPC in Title Suit No. 1350 of 2015, as expeditiously as possible and in any event, within a period of two months from the date of communication of this order, without granting any adjournment to either of the parties.

Accordingly, the revisional application being **C.O. 120 of 2022** is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all formalities.

(Kesang Doma Bhutia, J.)