

22.04.2022
Item No.1
Ct. No.7
CHC
(disposed of)

**C.O.162 of 2020
(Physical Hearing)**

**Sk. Anwar Ali & ors.
Vs.
Sk. Ruhul Amin & ors.**

Mr. Gautam Banerjee,
Mr. Pratip Kumar Chatterjee
...for the petitioners

Sk. Md. Galib,
Abu Siddique Malik
...for the Board of Auqaf

The subject-matter of challenge in this revisional application is against the order dated 18th December, 2019, passed by learned Chairman, Waqf Tribunal, West Bengal, in Suit no.35 of 2016, fixing the date for adducing evidence by the defendants, in violation of order passed in C.O.2496 of 2017.

Mr. Banerjee, learned advocate appearing for the petitioners submits that there was a direction passed in C.O.2496 of 2017, making request to the Waqf Tribunal to dispose of application under Order XXXIX Rule 1 and 2 C.P.C. expeditiously in accordance with the law. Even after such order being communicated, the Waqf Tribunal has not yet disposed of the application for temporary injunction doing compliance of the direction contained in C.O.2496 of 2017.

Admittedly, petitioners are defendants, who have been suffering ad interim order of injunction.

Mr. Galib, learned advocate appearing for the Waqf Board submits that non disposal of the prayer for temporary injunction has been brought to the notice of the Court, at a stage, when defendants had already availed of opportunity of making the cross-examination of plaintiffs' witness, and that too at the stage of adducing evidence by the defendants.

According to Mr. Galib, this matter ought to have been brought to the notice of the Court much earlier.

Upon perusal of the order passed in C.O.2496 of 2017, it appears that there was some observations made by the court below, while granting ad interim order of injunction, and that has been already addressed to by this Court, with regard to the tentative finding made by the court below in connection with the disposal of prayer for ad interim injunction.

Having considered the submission of both sides, the instant revisional application be disposed of directing the court below to dispose of the prayer for temporary injunction under Order XXXIX Rules 1 and 2 C.P.C. expeditiously as possible upon sensing the message contained in C.O.2496 of 2017, if not already disposed of, providing sufficient opportunity of hearing to either of the parties to this case, but before

collection of evidence, to be adduced by the defendants.

With this observation/directions, the revisional application stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)