

DL. March 23,
29 2022

F.M.A.T. 79 of 2022

Sri Kartick Chandra Das
Vs.
Laxmi Narayan Das & ors.

Mr. Sarbananda Sanyal,
Ms. Poulami Chakraborty,
...for the appellant.

This appeal has arisen out of an order dated March 3, 2022 by which the learned trial judge refused to pass an ex parte ad interim order of injunction in a partition suit on the ground that a caveat has been lodged by one of the defendants.

Although we are of the opinion that a short date may be fixed for consideration of the prayer for ad interim injunction in the presence of the caveator, but having regard to the fact that the learned trial judge has fixed April 21, 2022 for hearing the application for temporary injunction under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, we request the learned trial judge to hear the said application on the date fixed and dispose of the same as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

We make it clear that in the event no written objection is filed prior to the date fixed, the learned trial judge shall be at liberty to dispose of the application for temporary injunction on the basis of the materials available on record.

With the aforesaid observations, the appeal stands disposed of even at the admission stage.

In view of disposal of the appeal, nothing remains in

the application for injunction filed under CAN 1 of 2022 and the same is also disposed of.

There will be no order as to costs.

This order shall be communicated to the respondents along with a copy of the plaint and the application for temporary injunction filed before the trial court by registered speed post with acknowledgment due for their information and taking necessary action.

(Soumen Sen, J.)

dns

(Ajoy Kumar Mukherjee, J.)