

31.03.2022
Item No.20
Court No.18
AJ.

C.O. 670 of 2022

Abdur Rahim Molla & Anr.
-Vs-
Abdul Gofur Molla & Ors.

Mr. Sounak Bhattacharya,
Mr. Sounak Mondal.
....for the petitioner.

The order proposed to be passed in the present application under Article 227 of the Constitution of India would not cause any prejudice to the opposite parties as such, service of notice of the present application upon the said opposite parties is dispensed with.

The petitioners are the plaintiffs of the connected partition suit being Title Suit No. 231 of 2018 pending before the 1st Court of the learned Civil Judge (Senior Division), Baruipur, District 24-Parganas (South).

In the said suit, the petitioners have filed an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure.

The learned Trial Judge on the said application has passed an ad-interim order of injunction directing the parties to the suit to maintain status quo in respect of the possession, nature and character of the suit property, the said ad-interim order of injunction is still subsisting.

The grievance of the petitioners is that the said application is pending since the year 2018 and the pendency of such application is arresting the further proceedings of the suit, therefore, they are praying for a direction upon the learned Trial Judge for expeditious disposal of the said application.

An application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure by its nature requires expeditious disposal, that apart, the learned Trial Judge without disposing the interlocutory applications, would not be able to proceed with the disposal of the suit.

The learned Trial Judge, therefore, is requested to dispose of the said application as expeditiously as possible in accordance with law preferably within a period of two available effective working months of this Court from the date of communication of this order and in doing so shall not grant any unnecessary adjournment to either of the parties.

C.O. 670 of 2022 is disposed of with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)