

07.04.2022
Item No.32
Ct. No.7
CHC
(disposed of)

**C.O.695 of 2022
(Physical Hearing)**

**Sri Biman Baxi & anr.
Vs.
Rajat Baxi (Chatterjee) & ors.**

Ms. Malyasree Maity
...for the petitioners

A direction to secure expeditious disposal of injunction application under Order 39 Rule 1 and 2 C.P.C. is the ultimate relief sought for in this case.

Ms. Maity, learned advocate appearing for the petitioners submits that petitioners/plaintiffs have not been favoured with any ad interim order of injunction. The only contention expressed by learned advocate for the petitioners is that hearing of injunction application is getting delayed due to non filing of written objection by the opposite parties/defendants against the prayer for temporary injunction.

In view of the nature of the order proposed to be made in this case, service upon the opposite parties is considered to be necessary. Service upon the opposite parties is, thus, dispensed with.

Accordingly, learned Civil Judge (Junior Division), Nabadwip, Nadia in Title Suit No.79 of 2021, is requested to ensure expeditious disposal of injunction

application under Order 39 Rule 1 and 2 C.P.C. providing sufficient opportunity of hearing to either of the parties to this case but without any unnecessary adjournment, unless it extremely unavoidable.

While endeavouring such exercise, the opportunity to file written objection by the defendants must be ensured, and learned court below may proceed with the disposal of temporary injunction application in the manner, as situation of the case would demand, so as to dispense with the justice in a best possible manner.

Petitioner is directed to make communication of this order to the learned court below as well as the learned advocate appearing in the court below for the opposite parties.

With this direction/observation 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.)