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C.O. 706 of 2022

**Ayub Ali @ Munna
Vs
Md. Julfikar Ali & Ors**

Md. Younush Mondal, ... For the petitioner.

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

Admittedly, petitioner has been suffering ad interim order of injunction granted by the Court below on 1st September, 2021.

It is contended by the learned advocate for the petitioner that the objection to the injunction application has already been submitted by the petitioner/defendant.

The only contention expressed by the learned advocate for the petitioner is the delayed disposal of temporary injunction application.

The suit has been instituted in the year 2021.

In view of the nature of the order proposed to be made in this case, no prior notice upon the opposite parties is considered to be necessary.

The service upon the opposite parties is thus dispensed with.

Upon perusal of the photocopies of the order

passed by the learned Court below annexed with the instant revisional application, it appears that a petition praying for local inspection under Order 39 Rule 7 of the Code of Civil Procedure is awaiting decision by the learned Court below.

Though there is no legal impediment to dispose of the temporary injunction application even in absence of local inspection commissioner's report, but when there is pendency of an application under Order 39 Rule 7 of the Code of Civil Procedure praying for local inspection commissioner's report of the suit property that has to be heard out expeditiously for the effective determination of the prayer for temporary injunction under Order 39 Rule 1 and 2 of the Code of Civil Procedure.

Accordingly, learned Civil Judge (Junior Division), 1st Court at Barasat in Title Suit No. 503 of 2021 is requested to ensure expeditious disposal of temporary injunction application coupled with prayer for local inspection commission under Order 39 Rule 7 of the Code of Civil Procedure, providing sufficient opportunity of hearing to either of the parties, but without granting unnecessary adjournments, unless it is extremely unavoidable.

While endeavouring such exercise, learned Court below may proceed with the disposal of the prayer for local inspection commission and then proceed with the

disposal of the temporary injunction application upon collection of the local inspection commissioner's report 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 to the learned advocate appearing in the court below for the opposite parties and the opposite parties as well.

With this observation and direction, the revisional application stands disposed of.

(Subhasis Dasgupta, J)