

11.04.2022
Item No.36
Ct. No.7
CHC
(disposed of)

**C.O.781 of 2022
(Physical Hearing)**

**Sri Pradip Kumar Koley
Vs.
Smt. Binapani Koley & ors.**

Mr. Sandip Ghosh,
Mrs. Moumita Ghosh
...for the petitioner

A direction to secure expeditious disposal of an application for temporary injunction filed on 24th December, 2021, in Title Suit No.298 of 2021 of learned Civil Judge (Junior Division), Additional Court, Chandernagore, Hooghly, is the ultimate relief sought for in this case.

The suit was admittedly instituted in the year 2021. The petitioner for temporary injunction was filed on 24th December, 2021.

The only contention expresses by the learned advocate for the petitioner is that till date there has been no tangible steps taken towards logical conclusion of the application for temporary injunction filed by the petitioner, and the case is getting delayed for the adjournment being granted on the prayer of the opposite parties/defendants.

It is also contended by the learned advocate for the petitioner that this is a suit for partition, and co-

sharers in the absence of any express order of injunction are trying to create third party interest causing serious prejudice to the valuable rights of the petitioner/plaintiff. It is submitted also that the prayer for ad interim injunction even could be moved before the court below.

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. Service upon the opposite parties is thus dispensed with.

Accordingly, learned Civil Judge (Junior Division), Additional Court, Chandernagore, Hooghly, in Title Suit No.298 of 2021 is requested to ensure expeditious disposal of application for temporary injunction 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 granting any unnecessary adjournment, unless it is extremely unavoidable.

Since tomorrow is the date fixed for hearing of temporary injunction application, petitioner is given liberty to bring it to the notice of the learned court below about the pendency of hearing of temporary injunction application, and if such prayer is made, that may be considered to the extent possible in accordance with law.

Petitioner is directed to communicate this order to the opposite parties and their learned advocate

appearing in the court below as well as the learned court below.

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.)