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2022

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C.O. 788 of 2022

**M/s Vaishnadevi Partnership Firm & Ors.
Vs.
Sandhya Dey & Ors.**

Mr. Amal Mukhopadhyay,
Mr. Pinaki Bhattacharyya.

... For the petitioners.

A direction to secure expeditious disposal of a suit being Title Suit No. 88 of 2018, now pending before the learned Civil Judge (Senior Division) 4th Court at Sealdah is the ultimate relief sought for in this case.

Admittedly an appeal was carried against the decision rendered in connection with a prayer for ad interim order of injunction, and the appellate Court disposed of the appeal, upon necessary modifications of the order, passed in connection with a prayer for ad interim injunction, with a direction upon the Court below to dispose of the prayer for temporary injunction in an expeditious manner.

The only contention expressed by Mr. Mukhopadhyay, learned advocate for the petitioner is against the delay caused in the disposal of the temporary injunction application, coupled with other interlocutory application filed in connection with pending suit.

In view of the nature of the order proposed to be

made in this case, no prior notice is considered to be necessary.

The service upon the opposite parties is thus dispensed with, so far as the present revisional application is concerned.

Accordingly learned Civil Judge (Senior Division) 4th Court at Sealdah in Title Suit No. 88 of 2018 is requested to ensure expeditious disposal of the prayer for temporary injunction application under Order 39 Rule 1 and 2 of the Code of Civil Procedure having understood the purport of message contained in the order of the First Lower Appellate Court, while disposing of the prayer for ad interim injunction in appeal, providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournment, unless it is extremely unavoidable

While endeavouring such exercise, the learned court below is free to decide the other interlocutory applications, if any, kept pending in the suit, so as to ensure expeditious disposal of the suit.

Petitioners are 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.

Urgent phostat certified copy of the order, if applied for, be given to the parties on usual undertakings

(Subhasis Dasgupta, J)