

22.04.2022
Item No.26
Ct. No.7
CHC
(disposed of)

**C.O.862 of 2022
(Physical Hearing)**

**Smt. Archana Ghosh & ors.
Vs.
Smt. Banani Mitra & anr.**

Mr. Arijit Sarkar,
Ms. Prajaaini Das
...for the petitioners

A direction to secure expeditious disposal of pending interlocutory applications, like application for temporary injunction under Order XXXIX Rules 1 and 2 C.P.C. filed by the petitioners/plaintiffs, and a separate application praying for amendment filed by the opposite parties/defendants, is the ultimate relief sought for in this case.

Admittedly, this is a suit for partition, in which, petitioners/plaintiffs have been favoured with an interim injunction, which has been extended from time to time till date.

The injunction application has not yet been finally disposed of as per submission disclosed by learned advocate for the petitioners.

The only contention expressed by learned advocate for the petitioners is against the delay caused in the disposal of the suit.

Issues in this case have not yet been framed, though, written statement has already been filed by the defendants (1 and 2).

In view of the nature of order proposed to be made, no prior notice is considered to be necessary. Service upon the opposite parties is thus dispensed with.

Accordingly, learned Civil Judge (Senior Division), First Court, at Barasat, in Title Suit No.74 of 2010, is requested to ensure expeditious disposal of pending application for temporary injunction under Order XXXIX Rules 1 and 2 C.P.C, and the application for amendment filed by the defendants/opposite parties, one after another, providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable.

Petitioners are directed to make communication of this order to the learned court below, to the opposite parties and their learned advocate appearing in the 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.)

