

S/L 7
02.9.2022
Court No.652
SD

CO 967 of 2021

Shankar Shaw
Vs.
Chinmoy Ghoshal & Ors.

Mr. Sibnath Ganguly

...for the Petitioner.

Being aggrieved and dissatisfied with the order dated 08.01.2021 passed in Title Suit No.10 of 2016 by the learned Civil Judge (Junior Division), 2nd Court, Barrackpore, the present revisional application has been preferred under Article 227 of the Constitution of India.

The petitioner has contended that the petitioner/plaintiff became the owner of piece of land by virtue of a deed of sale executed by one Chandra Nath Ghoshal in favour of the petitioner/plaintiff through registered sale deed. The petitioner/plaintiff filed a suit being Title Suit No.10 of 2016 against the opposite party/defendant for declaration and injunction which is now pending before the learned Civil Judge (Junior Division), 2nd Court at Barrackpore.

The opposite party no.1 died during pendency of the suit. The opposite party/defendant no.6 appeared in that suit and filed written objection against the plaintiff's application under Order XXXIX Rule 1 & 2 read with Section 151 of the Code of Civil Procedure. The opposite party/defendant nos.2, 3 and 5 also filed written statement

and written objection against the plaintiff's prayer for injunction.

More than six years have been passed. The application of temporary injunction under Order XXXIX Rule 1 and 2 read with Section 151 of the Code of Civil Procedure filed by the petitioner/plaintiff still remains pending for disposal and accordingly final hearing of the suit also being delayed.

Being aggrieved by the extension of interim order of the injunction without disposing the injunction application, the petitioner/plaintiff has preferred this revisional application with a prayer for direction upon the learned Civil Judge (Junior Division), 2nd Court at Barrackpore to dispose of the application under Order XXXIX Rule 1 and 2 read with Section 151 filed by the petitioner/plaintiff as expeditiously as possible preferably within a period of one month and thereafter dispose of the suit preferably within a period of six months.

It is also submitted by the petitioner that trial court has fixed 05.9.2022 for extension of the interim order again without fixing date for hearing of injunction petition. Be it mentioned that plaintiff/petitioner is equipped with the ad interim order of injunction.

The prayer of the petitioner is very innocuous.

Considering the facts and circumstances of the case, the learned Civil Judge (Junior Division), 2nd Court, Barrackpore is hereby directed to dispose of the injunction

application filed by the plaintiff/petitioner in Title Suit No.10 of 2016 within a period of four weeks from the date of communication of this order.

Learned Civil Judge (Junior Division), 2nd Court, Barrackpore is further requested to make every endeavour to make expeditious disposal of the case and to conclude the entire proceeding preferably within a period of one year from the date of communication of the order.

Since the opposite party does not appear or file any affidavit, the averments made in the revisional application is deemed to be not admitted by the opposite party.

Accordingly, C.O. 967 of 2021 is disposed of.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Ajoy Kumar Mukherjee, J.)