

07.06.2022
Item No.34
Ct. No.7
CHC
(disposed of)

C.O.1204 of 2022

**Arnav Kundu
Vs.
Pranati Ghosh**

Mr. Satyam Mukherjee,
Ms. Sayani Ahmed
...for the petitioner

A direction to secure expeditious disposal of an application filed by petitioner/husband under Order 39 Rule 4 C.P.C., praying for vacating the injunction order passed in Title Suit No.603 of 2021 of learned Civil Judge (Junior Division), 2nd Court, at Barasat, is the ultimate relief sought for in this case.

By filing a suit referred hereinabove, the wife/opposite party has prayed for perpetual antisuit injunction with restrain order against the petitioner/husband.

Admittedly, husband has been suffering ad interim order of injunction.

It is disclosed in the submission of learned advocate for the petitioner that a proceeding for divorce has already been filed by the petitioner/husband before the Family Justice Courts of the Republic of Singapore, wherein the opposite party/plaintiff has appeared and has been contesting the same.

Upon receiving copy of injunction notice, petitioner/husband has appeared and filed an application for vacating the same.

It is contended by the learned advocate for the petitioner that till such time, the vacating application has not yet been disposed of, resulting in serious prejudice caused to the petitioner/husband.

No other point is raised requiring address by this Court.

In view of the nature of order proposed to be made, no prior notice is considered to be necessary.

Service upon the opposite party stands dispensed with.

Accordingly, learned Civil Judge (Junior Division), 2nd Court, Barasat, North 24 Parganas, in Title Suit No.603 of 2021, is requested to ensure expeditious disposal of vacating application, as against the ad interim order of injunction passed in this case, providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable.

This would not, however, prevent the court below from ensuring disposal of injunction application under Order 39 Rule 1 and 2 C.P.C. finally after adhering to the provisions of the law.

Petitioner is directed to make communication of this order to the learned court below as well as to the opposite party and her learned advocate appearing in the court below.

With this observation/direction, 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.)