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C.O. 1277 of 2022

**Smt. Sreyashi Roy
Vs
Sri Ranajay Ray.**

Mr. Rajarshi Duta,
Mr. Rahul Podder,
Mr. Sandip Kumr Dutta, ... For the petitioner.

A direction to secure expeditious disposal of an application under Order 39 Rule 4 of the Code of Civil Procedure is the ultimate relief sought for in this case.

Mr. Rajarshi Dutta, learned advocate appearing for the petitioner/defendant submits that the pending litigation is between the brother and sister over a property, wherein the petitioner being sister has been suffering ad interim order of injunction.

It is contended by the learned advocate for the petitioner, that having suffered the ad interim order of injunction, the petitioner has already filed an application for vacating ad interim of injunction granted in this case, upon resorting to Order 39 Rule 4 of the C.P.C.

In due obedience to the order of the Court below granting ad interim order of injunction, the petitioner is not in a position to find out her effective entry in the suit house.

It is also contended that such vacating application is not being considered by the court below, and the ad interim order of injunction is being extended one after another on the prayer of the opposite party/plaintiff.

No other point is raised requiring address by this Court.

In view of the nature of the order proposed to be made in this case, no prior notice is considered to be necessary upon the opposite party.

Accordingly, learned Civil Judge (Senior Division), 5th Court, Alipore in Title Suit No. 1202/2021 (S I No. 271/21) is requested to ensure expeditious disposal of vacating application under Order 39 Rule 4 of the C.P.C, filed by the petitioner/defendant, providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournments, unless it is extremely unavoidable.

It is gathered knowledge that the 11th July, 2022 is the next date fixed for hearing of injunction application coupled with application for vacating injunction application. Since date has already been fixed for hearing of the petition referred hereinabove, this court reposes trust and confidence upon the court below that the vacating application may be heard out on the date so fixed for the purpose, giving

opportunity to other side for the purpose.

Petitioner is 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 party and the opposite party.

With this observation and direction, the revisional application stands disposed of.

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

(Subhasis Dasgupta, J)