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2022

AGM
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Ct
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C.O. 1302 of 2022

Mahatirtham & Anr.

Vs.

Smt. Gita Rani Bakshi & Ors.

Mr. Mrinal Kanti Mukherjee ... For the petitioners.

Admittedly petitioners/defendants having suffered order of injunction, carried the same in appeal (Misc. Appeal No. 516 of 2011) of learned 2nd Civil Judge, (Senior Division), 2nd Court, Alipur, arising of Title Suit No. 1636 of 2010 of learned Civil Judge (Junior Division) 1st Court at Alipur. The First Lower Appellate Court after a contested hearing dismissed the Misc. Appeal.

Mr. Mrinal Kanti Mukerhjee, learned advocate appearing for the petitioners/defendants submits that though power of attorney has been given to the attorney, but no power of sale was given conspicuously to learned attorney. The petitioners claim themselves to be sellers of the land.

Learned advocate for the petitioners further submits that no consideration money has been received by the petitioners/sellers of the disputed land.

Upon perusal of the impugned order, it appears that the learned First Lower Appellate Court has considered the submission, and the documents

presented and pressed before it, and finally dismissed the appeal giving reasons therefor.

No express perversity is found in the order impugned, without which this court should not interfere with the order impugned.

To unfold the version of the petitioners/defendants, trial is inevitable, which may be expedited by the Trial Court.

While endeavouring such exercise so as to ensure expeditious disposal of the pending suit, unnecessary adjournment may not be granted on the mere asking of the parties, unless it is extremely unavoidable.

The revisional application is thus disposed of for the reasons mentioned hereinabove.

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.

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)

