

23 15.06.
AG 2022
M/R
KB
Ct
07

C.O. 1346 of 2022

**Sk. Sairul Islam
Vs
Samim Mullick & Ors.**

Mr. Sanjib Seth,

... For the petitioner.

The only contention expressed by the learned advocate for the petitioner/plaintiff is that despite filing two separate applications, one under Order 39 Rule 7 of the Code of Civil Procedure, and another application under Order 39 Rules 1 & 2 on 4th April, 2022, the court below simply proceeded to fix hearing of petition under Order 39 Rule 7 of C.P.C., keeping the injunction application pending.

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, soliciting a direction upon the court below to ensure expeditious disposal of application filed on 4th April, 2022, no prior notice is considered to be necessary upon the opposite parties.

Service of notice of this application upon opposite parties stand dispensed with.

Accordingly, learned Civil Judge (Junior Division), 5th Court, Howrah in Title Suit No. 907 of 2021 is requested to take up the application for temporary

injunction under Order 39 Rules 1 and 2 of the C.P.C., urgently for the urgency of the circumstances prevailed, and if necessary upon pre-poning the date for the propose.

Liberty is given to the petitioner to file an application before the Court below, supported by this order, with a prayer for fixing a suitable date for hearing of application for temporary injunction under Order 39 Rules 1 and 2 of the C.P.C. in accordance with law.

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 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.

This would not, however, prevent the court below to take up the prayer for local inspection along with prayer for temporary injunction on the date so suitably fixed by the court below.

(Subhasis Dasgupta, J)