

27.06.2022  
S/L No.30  
KS

**C.O. 1469 of 2022**  
**T. Srinivas Rao & Anr.**  
**-Vs.-**  
**P. Venkateswari**

Mr. S. Sanyal  
Mr. S. Das  
Ms. L. Moitra

.....For the Petitioners

Mr. A. Ali  
Ms. S. Laskar  
Mr. M. A. Elahi

.....For the Opposite Party

The subject-matter of challenge in this revisional application is against an order in Miscellaneous Appeal No.24 of 2021, passed by Learned Additional District Judge, 3<sup>rd</sup> Court, Paschim Medinipore dismissing the appeal, and thereby affirming the order of the Trial Court granting ad interim order of injunction.

Admittedly, petitioner being the defendant has been suffering ad interim order of injunction. Learned advocate for the petitioner disputes with the decision reached by the First Lower Appellate body alleging that the facts presented and pressed could not be appropriately appreciated. It is also submitted that injunction order has been made directing *status quo* to be maintained, without providing an opportunity of hearing by the Lower Court below. The petitioner has sufficient documents/materials to controvert the facts and circumstances

set out in the injunction application, and an objection has already been filed in the Court below to challenge the injunction order, learned Advocate for the petitioner argues.

Per contra, Mr. Ali, learned advocate appearing for the opposite party no.1/caveator submits that the impugned order must go un-interfered with, as the lower appellate body has considered all the facts presented by both the parties and then disposed of the Misc. Appeal, as per the settled proposition of law.

Having considered the submission of both sides, it appears that the lower appellate body dismissed the appeal affirming the ad interim order of injunction, passed by the Trial Court on 15<sup>th</sup> February, 2021. The ad interim order of injunction was granted in terms of the facts presented by the opposite party/plaintiff for the urgency of the circumstances. When injunction application has not yet been disposed of finally, the same should be expeditiously disposed of by the Court below. The controversy thus surfaced between the parties over the granting of ad interim order of injunction, may be streamlined by expediting the hearing of injunction application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure.

Learned Civil Judge (Junior Division), Kharagpur in T.S. No.09 of 2021 is requested to ensure expeditious disposal of

pending injunction application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournments, unless it is extremely unavoidable.

While endeavouring such exercise, the pending injunction application either may be disposed of on the date scheduled by the Court below, or if for any reasons whatsoever, the same could not be disposed of, the injunction application may be disposed of peremptorily within three weeks thereafter.

Accordingly, the revisional application is disposed of.

Learned advocate for the petitioner is directed to communicate a copy of this order to the Court below.

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.)**