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C.O. 1570 of 2022

**Smt. Rony Dey (Khanra)
Vs
Sri Ujjwal Kumar Dey**

Mr. Lal Mohan Basu, ... for the petitioner.

Mr. Chiranjib Sinha, ... for the respondent.

A direction to secure expeditious disposal of three interlocutory applications pending between the parties in Mat Suit No. 81 of 2018 of learned Additional District Judge, 13th Court, Alipore is the ultimate relief sought for in this case.

Admittedly, out of three pending interlocutory applications, one is application for temporary injunction under Order 39 Rules 1 and 2 of the Code of Civil Procedure filed by the wife, second one under Section 151 filed by the petitioner is praying for return of Streedhen articles and third one application filed by the wife is praying for enhancement of litigation cost.

No other point is raised requiring address by this Court.

Upon perusal of the photocopies of the lower court records, it appears that suit has already been set for peremptory hearing, keeping those three applications pending.

That being the position, the proposition of law is

quite settled that the interlocutory applications always to be disposed of first before setting the suit for *ex parte* hearing.

In a situation like this, learned Additional District Judge, 13th Court, Alipore in Mat Suit No. 81 of 2018 is requested to ensure expeditious disposal of interlocutory application under Order 39 Rules 1 and 2 of the Code of Civil Procedure, and thereafter two other interlocutory applications referred hereinabove, one after another, providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournments, unless it is extremely unavoidable.

This would not, however, prevent the court below to ensure expeditious disposal of the suit, after causing disposal of the pending interlocutory applications mentioned hereinabove.

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)