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C.O. 1601 of 2022

**Manarul Sk. @ Md. Manarul Sk.
Vs
Md. Angur Hossain & Anr.**

Mr. Ibramhim Shaikh
Ms. Benazir Shaikh ... For the petitioner.

Petitioner assails order dated 3rd September, 2020 passed in Title Suit No. 152 of 2009, for keeping the application for injunction under Order 39 Rules 1 and 2, read with Section 151 of the Code of Civil Procedure in abeyance, in a suit for partition, already ended in a preliminary decree.

Learned advocate appearing for the petitioner submits that no notice was served upon petitioner/defendant no.4, while the Pleader Commissioner held his commission work.

Upon perusal of the impugned order, it appears that without extending an opportunity of hearing to defendant no.4 in connection with proposed prayer for temporary injunction, the court below was not prepared to grant any injunction, and thus directed the parties seeking injunction to issue notice upon defendant no.4.

Whether notice was served upon the petitioner prior to holding commission work is an independent issue, not to be connected with the instant prayer for

injunction.

No illegality appears to have been committed by the court below by extending the opportunity of hearing to defendant no.4/petitioner.

The impugned order does not call for any interference.

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.

(Subhasis Dasgupta, J)