

17.02.2022
Item No.09
Court No.18
AJ.

C.O. 2093 of 2019

(Through Video Conference)

**Smt. Pratima Pramanick nee Debsharma
-Vs-
Smt. Kanika Dass & Anr.**

Mr. Kushal Chattterjee.
... for the petitioner.
Mr. Sajal Kumar Chakraborty,
Mr. Rabi Ghosh.
....for the opposite parties.

Mr. Sajal Kr. Chakraborty, learned advocate appearing on behalf of the opposite parties files affidavit-in-opposition to the revisional application, which is taken on record.

Since no reply has been invited, the allegations made in the said affidavit-in-opposition are deemed to have been denied by the petitioner.

The revisional application under Article 227 of the Constitution of India is at the instance of the plaintiff in a suit for declaration and injunction being Title Suit No. 33 of 2019 is pending before the 2nd Court of the learned Civil Judge (Junior Division), Diamond Harbour.

The petitioner aggrieved by the order of the learned Trial Judge dated January 31, 2019 whereby the prayer of the petitioner for an ad-

interim injunction was refused preferred the connected Misc. Appeal No. 3 of 2019.

The learned Additional District Judge, Diamond Harbour, District 24-Parganas (North) by the order impugned being order dated April 23, 2019 has dismissed the said appeal.

The appeal arising out of an order refusing to grant ad-interim order of injunction in favour of the petitioner was dismissed way back on April 23, 2019 neutralising the urgency component for grant of an ad-interim order of injunction.

This Court under such circumstances is of the opinion that justice would be sub-served if the pending application for injunction is directed to be disposed of expeditiously.

C.O. 2093 of 2019 is therefore disposed of by requesting the learned Trial Judge to dispose of the said application for injunction in accordance with law without being influenced by any of the observations made by the appeal Court below and also of the fact that the revisional application was entertained and an ad-interim order of injunction was passed.

The learned Trial Judge is requested to conclude his exercise on the said application within a period of three available effective working months of the said Court without granting any unnecessary adjournment to either of the parties.

The defendants/opposite parties are permitted to file their written objection to the application for injunction within two weeks from date; rejoinder thereto, if any, by the petitioner be filed within one week from the date of receipt of the copy of such written objection.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)