

26.07.2022
Item No.43
Ct. No.7
CHC
(disposed of)

C.O.1968 of 2022

Kanika Dutta & anr.
Vs.
Brojo Durlab Dhar & ors.

Mr. Sanjoy Bose
...for the petitioners

The petitioners/plaintiffs are aggrieved with the order dated 22nd June, 2022, passed by learned Civil Judge (Junior Division), at Bidhannagar in Title Suit No.87 of 2020 for keeping an application under Section 151 C.P.C. praying for restoration of water connection in the premises under occupation of plaintiffs/petitioners, what according to the petitioners has been stopped on 30th June, 2020.

Learned advocate appearing for the petitioners submits that admittedly, this is a suit for declaration of tenancy right, wherein, petitioners/plaintiffs have already been favoured with ad interim order of injunction dated 30th June, 2020 restraining other sides from disturbing the peaceful possession of the petitioners/plaintiffs, and further not to dispose of the petitioners without adhering to the due process of law.

It is contended by the learned advocate for the petitioners that after receiving notice of injunction, the opposite parties/defendants simply stopped the water

connection of the plaintiffs/petitioners just to take revengeful action, and also to disturb the peaceful possession of plaintiffs/petitioners over the suit property, what has been protected by the court below granting ad interim order of injunction.

It is also submitted that as per order of the Court the petitioners have been depositing monthly rent by challan in court at the rate of Rs.5,000/- (Rupees Five Thousand).

Learned advocate for the petitioners referring such facts strenuously argues that the court below ought not to have kept such application pending for indefinite period of time resulting in serious prejudice to the valuable rights of the petitioners. By stopping the water connection in the premises now under the occupation of the petitioners/plaintiffs, the life of the petitioners has been threatened, which is of course, violative of Article 21 of the Constitution of India.

No other point is raised requiring addressed by this Court.

In view of the nature of order proposed to be made in this case, no prior notice is considered to be necessary.

Service upon the opposite parties stands dispensed with.

As per submission disclosed by the learned advocate for the petitioners that the petition is scheduled to be fixed today by the court below.

That being the position, the revisional application be disposed of directing the court below to hear out the extreme urgent petition, filed by the petitioners under Section 151 C.P.C. dated 10th August, 2020 within seven (07) days from hence, without granting unnecessary adjournment, unless it is extremely unavoidable.

While endeavouring such exercise, an opportunity of hearing to both the parties must be given, and if necessary, upon preponing the date, with notice upon the other sides may be considered by the court below.

Petitioners are directed to make communication of this order to the learned court below as well as to the opposite parties and their learned advocate in the court below.

With this observation/direction, the revisional application stands disposed of.

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.)