

Item-29. 04-11-2022

sg

Ct. 8

FMA 4625 of 2016

Sujoy Chakraborty
Versus
Bijoy Chakraborty & Ors.

The appellant is not represented nor any accommodation is prayed for on behalf of the appellant. The appellant was also not represented on the earlier occasion. The memorandum of appeal was presented on 22nd July, 2016 and thereafter no attempt was made to move this appeal.

The appeal is arising out of an order dated 29th April, 2016 passed in connection with an application for injunction under Order 39 Rule 1 and 2 read with Section 51 of the Code of Civil Procedure.

The application was filed in connection with a partition suit. The Trial Court dismissed the said application on the ground that the plaintiff was unable to produce any evidence which would prima facie show that the defendants are disturbing the possession of the plaintiff in the suit property. The plaintiff appears to have 1/3rd share in the suit property.

We find from the impugned order that the learned Trial Judge directed the defendant no.3 to file written statement on or before 18th May, 2016. It was also recorded that the suit was proceeded ex-parte against the other defendants.

In the event the suit is still pending, we would request the learned Trial Court to dispose of the suit within three months from the date of the communication of this order by the learned Registrar Administration (L&OM).

Let this order be communicated by the learned Registrar Administration (L&OM) to the learned Judge, Small Causes Court at Sealdah in Title Suit No. 72 of 2015 within one week from date.

The appeal is accordingly disposed of.

(Uday Kumar, J.)

(Soumen Sen, J.)