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AKG 31-01-2022
Ct.21

C.O. 2148 of 2021
Smt. Anju Rai & Anr.
Versus
Smt. Asha Rai & Ors.

(VIA VIDEO CONFERENCE)

Mr. Abhijit Ray,
Mr. Shubham Gupta,
Mr. Rajiv Kumar
... for the Petitioners
Mr. Vinay Kumar Purohit
...for the Opposite Parties

Mr. Abhijit Roy, learned advocate appears for the petitioner and Mr. Vinay Kumar Purohit, learned advocate appears for the opposite parties.

The petitioners by filing the present application under Article 227 of the Constitution of India have prayed for expeditious disposal of the application under Order 39, Rules 1 and 2 read with Section 151 of the Code of Civil Procedure filed by the opposite parties in Title Suit No. 704 of 2016.

Learned advocate appearing for the opposite parties submits that till date, no notice as well as the copy of the application have been served on the opposite parties and he submits that without copy of the application, it is not possible on his part to make submission.

Subsequently, he submits that he has no objection and necessary direction may be given to the learned Court below to dispose of not only injunction

application filed by the opposite parties in Title Suit No. 704 of 2016, but also injunction application filed by the present petitioners who have filed Title Suit No. 1127 of 2020 against the opposite parties over the same subject matter as both the Title Suit No. 704 of 2016 and Title Suit No. 1127 of 2020 are being heard analogously by the learned Judge /Judge-in-Charge, Bench-XI, City Civil Court, Calcutta.

Since the petitioners/defendant have prayed for expeditious disposal of injunction application, pending before the learned Court below in Title Suit No. 704 of 2016 it is not likely to cause any prejudice to the interest of the opposite parties/plaintiffs as the application appears to be that of a plaintiff.

Since both the learned advocates pray for expeditious disposal of another injunction application filed by the present petitioners in Title Suit No. 1127 of 2020 which is being heard analogously with Title Suit No. 704 of 2016.

Therefore, the learned Court below is hereby directed to dispose of both the injunction applications filed by the parties in their respective suit mentioned above as early as possible, preferably within a month from date of the communication of this order.

Accordingly, revisional application being **C.O. 2148 of 2021** is disposed of.

There shall be no order as to costs.

All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all formalities.

(Kesang Doma Bhutia, J.)