

26.09.2022
Item No.16
Ct. No.7
CHC
(disposed of)

C.O.3039 of 2022

Archana Mullick & ors.

Vs.

Maruti Nandan Properties (P) Ltd. & ors.

Mr. Pradip Kr. Dutta,
Mr. Chanchal Kumar Dutta
...for the petitioners

A direction to secure expeditious disposal of an application for injunction filed on 7th January, 2015, is the ultimate relief sought for in this case.

Mr. Pradip Kr. Dutta, learned advocate appearing for the petitioners submits that ad interim order of *status quo* was granted in connection with injunction application.

Since the opposite parties deliberately violated the order of *status quo*, an application under Order 39 Rule 2(A) C.P.C. has already been filed. That application is still pending .

It is further submitted by the petitioners that even during the enforcement of the order of *status quo*, as well as during the pendency of Misc. Case under Order 39 Rule 2(A) C.P.C. alleging violation of the injunction order, the opposite parties undertook further construction. Such further construction has been attempted to be stopped by filing an application setting forth events relatable to the violation of injunction

order as well as the necessity of immediate intervention of the Court for stopping the further construction. Such application could not be moved, because of the absence of the regular Presiding Officer of the relevant court, even by filing a put up petition. That application is also still pending.

No other point is raised requiring address 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.

The revisional application is disposed of directing learned Judge XIIth Bench, City Civil Court, at Calcutta, before whom the litigation being Suit No.11 of 2015, is pending, to take up the application filed on 14th June, 2022, and address the same providing sufficient opportunity of hearing to both the sides and dispose of the same in accordance with law.

This would not, however, prevent the court below remaining in-Charge of learned Judge, XIIth Bench, City Civil Court, Calcutta, subject to this suitability and convenience, to take up such application within best possible opportunity in view of the urgency disclosed by the learned advocate appearing for the petitioners, as reflected in the order itself.

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.)