

06.12.2022
Item No.25
Ct. No.7
CHC
(disposed of)

C.O.3509 of 2022

**Vigneshwara Properties Private Limited
Vs.
Smt. Saraswati Devi & ors.**

Mr. Partha Pratim Roy,
Mr. Anirban Das
...for the petitioner

A direction to secure expeditious disposal of an interlocutory application under Order 39 Rule 4 C.P.C. which was heard-in-part on 3rd November, 2022, is the ultimate relief sought for in this case.

The only contention raised by Mr. Roy is that even after getting the interlocutory application, under Order 39 Rule 4 C.P.C. heard-in-part on 3rd November, 2022, the court below posted the matter on 5th February, 2023, being oblivious of the fact that defendant has been unnecessarily suffering ad interim order of injunction.

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.

True that petitioner has been suffering ad interim order of injunction and being aggrieved by the order of ad interim order of injunction, petitioner has come up with application under Order 39 Rule 4 C.P.C. for vacating the injunction order.

But when a simpliciter direction to secure expeditious disposal of the pending interlocutory application has been sought for, which has been heard-in-part already, the matter stands disposed of with a request to court below to prepone the matter in the fourth week of January, 2023, if possible, subject to the suitability and convenience of the court below, upon notice to the opposite parties and dispose of the same in accordance with law.

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

Petitioner is 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.

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.)

