

20.12.2022
Item No.8
Ct. No.7
CHC
(disposed of)

C.O. 3831 of 2022
P. L. Jana @ Pannalal Jana & anr.
Vs.
Ashish Mukherjee & anr.

Mr. Sounak Bhattacharya,
Mr. Abhirup Halder,
Mr. Iresh Pal

...for the petitioners

Mr. Surajit Nath Mitra, Senior Advocate
Ms. Aditi Kumar

...for the opposite parties

Affidavit-of-service furnished by the petitioners be
taken on record.

Though Mr. Bhattacharya, learned advocate appearing for the petitioners has assailed the order dated 24th November, 2022, passed by learned District Judge-in-Charge, at Alipore, South 24 Parganas, in Misc. Appeal No.378 of 2022, granting injunction against the opposite parties/defendants upon reversing the order of the trial court, but at the very threshold of this case submits that since the court below has posted the matter on 21st December, 2022, the appeal may be directed to be disposed of addressing all the points involved in this case.

Mr. Mitra, learned Senior Advocate appearing for the opposite parties submits that in the event of expeditious disposal of pending appeal, the opposite parties have no objection.

Incidentally, it is submitted by Mr. Mitra that all the parties impleaded in the suit have not been made parties to the instant revisional application.

Mr. Bhattacharya, undertakes to represent defendant nos. 1 and 2 in the pending appeal, on the date schedule by the court below, if no appearance of defendants, suffering injunction, has not yet been ensured.

The revisioal application, as such stands disposed of directing the court below to hear out the Misc. Appeal on the date already scheduled, or if for any reasons whatsoever, the same could not be done, the Misc. Appeal may be peremptorily disposed of within one week after the Winter Vacation of the court below.

This order is passed without prejudice to the rights and contentions of the parties, and without entering into the merits of the case.

In the process of hearing of Misc. Appeal within the peripheries of the Misc. Appeal, the documents supportive of the defence of the defendants may be adequately answered by the opposite parties while addressing the issues involved in the case.

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

Parties are directed to make communication of this order to 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.)