

24.1.2023
19
Ct. no. 652
sb

C.O. 18 of 2023

**Jinat Ali Mondal @ Zinat Ali Mondal & Anr.
Vs.
Abul Kasem Mondal**

Mr. Dhananjoy Banerjee
Mr. Surajit Basu ...for the petitioners

This is an application under Article 227 of the Constitution of India seeking expeditious trial and disposal of an application filed under Order XXXIX , rule 4 of the Code of Civil Procedure, 1908 in connection with Title Suit no. 164 of 2020 pending before the court of learned Civil Judge (Junior Division), 1st Court, Barasat, North 24 parganas.

The petitioners contended that the opposite parties herein filed aforesaid suit for declaration, and permanent injunction and the said opposite party moved an application on 30.3.2020 for injunction under Order XXXIX rule 1 and 2 and the trial court was pleased to direct the petitioner/plaintiff in the said suit not to interfere with the suit plot.

The petitioner submits that after receipt of the summon, they appeared on 11.2.2021 after lock down and filed an application under Order XXXIX rule 4 of the Code. The application has not yet been taken up for hearing by the court below and he is seeking a direction

upon the court below for expeditious disposal of the said application as well as the suit.

Since the prayer made by the petitioner is very innocuous and if it is heard and disposed of in terms of prayer, neither party will have a cause to prejudice, service of copy of the application and notice to the opposite party is hereby dispensed with.

In view of above, C.O. 18 of 2023 is disposed of with a direction upon the learned Civil Judge (Junior Division), 1st Court, Barasat, North 24 parganas to dispose of the application filed by the petitioner under Order XXXIX rule 4 of the Code as expeditiously as possible, preferably within a period of twelve weeks from the date of communication of the order and to make every endeavour for expeditious disposal of the suit.

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

(Ajoy Kumar Mukherjee, J.)