

19 03.02.
AG 2023
M
/
RKB
Ct
07

C.O. 46 of 2023

**Purnima Raha and Shyamal Dutta Constructors
and Developers & Anr**

**Vs
Rathin Ghosh & Anr**

Mr. Gopal Ghosh,
Mr. Arnab Roy,
Ms. Sayani Ahmed,

... For the petitioners.

A direction to secure expeditious disposal of Title Appeal No. 47 of 2016 along with injunction application under Order 39 Rules 1 and 2 CPC pending before the learned Additional District Judge, 6th Court, Barasat, is the ultimate relief sought for in this case.

Mr. Gopal Ghosh, learned advocate being assisted by Mr. Arnab Roy, learned advocate appearing for the petitioners, upon adverting to the order dated 13th December, 2022 submits that the Court below for the paucity of time could not take up appeal hearing along with pending injunction application.

The reason has been reflected in the order dated 13th December, 2022 that the Court is pre-occupied with the collection of the evidence of NDPS cases.

The only contention expressed by the petitioners is against the delay caused in the disposal of the appeal along with injunction application.

No other point is raised requiring address by this Court.

In view of the nature of the order proposed to be made in the case, no prior notice is considered to be necessary.

Service upon the opposite party is thus dispensed with.

Accordingly, learned Additional District Judge, 6th Court, Barasat in Title Appeal No. 47 of 2016 is requested to ensure expeditious disposal of referred injunction application under Order 39 Rules 1 and 2 CPC, subject to the suitability and convenience of the Court below, providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournment, unless it is extremely unavoidable, preferably within twelve weeks from the date of communication of this order to the Court below.

Petitioners are directed to make communication of this order to the learned court below as well as to the learned advocate appearing in the court below for the opposite parties and the opposite parties.

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

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual

undertakings.

(Subhasis Dasgupta, J)