

24.1.2023
20
Ct. no. 652
sb

C.O. 71 of 2023

**Sri Nityo Gopal Das & Ors.
Vs.
Sri Dinesh Das & Ors.**

Mr. Gazi Faruque Hossain
Mr. Rupayan Deb
Ms. Priyanka Mondal
Ms. Priya Nandy
Ms. Varsha Roy
Mr. Himadri Kumar Mahato ...for the petitioners

This is an application under Article 227 of the Constitution of India seeking expeditious disposal of the temporary injunction application along with expeditious disposal of Title Suit no. 741 of 2021 pending before the court of learned Civil Judge (Senior Division), 2nd Court, Contai.

The petitioners contended that the petitioner filed aforesaid suit for declaration, partition and respective possession in connection with the suit property. The petitioner filed interlocutory application seeking injunction in respect of the property in question. The defendant nos. 1 and 2 appeared in the suit and filed written statement as well as written objection against the plaintiff's prayer for injunction.

The petitioner submits that the hearing of the application for injunction was initially fixed on 11th December, 2022. After that, the same was deferred time

to time and it has not yet been disposed of. Accordingly, he seeks for a direction upon the court below for expeditious disposal of the said application.

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. 71 of 2023 is disposed of with a direction upon the learned Civil Judge (Senior Division), 2nd Court, Contai to dispose of the temporary injunction application filed by the petitioner 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.)