

24.1.2023
21
Ct. no. 652
sb

C.O. 103 of 2023

**Sri Debasish Mondal & Anr.
Vs.
M/s. Green Shire Construction & Ors.**

Mr. S. Dasgupta
Ms. Saheli Bose ...for the petitioners

This is an application under Article 227 of the Constitution of India against inordinate delay in disposing of the application under Order XXXIX rule 1 and 2, read with Section 151 and 94 of the Code of Civil Procedure, 1908 in Title Suit no. 953 of 2022 pending before the court of learned Civil Judge (Senior Division), 5th Court, Alipore, South 24 parganas.

The petitioners contended that the petitioner filed aforesaid suit for declaration and injunction on 13.7.2022. along with an application for temporary injunction. The said application under Order XXXIX rule 1 and 2 is pending since long and could not be heard and disposed of for a long period. Accordingly, he seeks for a direction upon the court below for expeditious disposal of the said application. It is further submitted that the next date is fixed before the trial court on 10th February, 2023.

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. 103 of 2023 is disposed of with a direction upon the learned Civil Judge (Senior Division), 5th Court, Alipore, South 24 parganas to dispose of the injunction application filed by the petitioner on the aforesaid fixed date and if not possible to dispose of on that day for some reason or other, 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.)