

05.07.2023
Court No.19
Item no. 31
CP

C.O. 592 of 2023

Sri Nimai Pal
Vs.
Sri Arjun Pal & ors.

Ms. Chaitali Mukhopadhyay
Mr. Debottam Das
Ms. D. Das

....for the petitioner.

The petitioner is the plaintiff Title Suit No. 47 of 2020, which is pending before the learned Civil Judge (Senior Division), 1st Court, Tamluk.

The petitioner submits that the defendants had acted in violation of the ad interim order of injunction in the nature of status quo and, accordingly, an application under Order 39 Rule 2A of the Code of Civil Procedure was filed which was registered as J. Misc. Case No. 17 of 2020. The petitioner prays for expeditious disposal of the said J. Misc. Case and also of the suit.

The prayer of the petitioner is innocuous. Neither party stands to lose if a proceeding is disposed of expeditiously. In fact, such expeditious disposal shall enure to the benefit of the parties and, hence, there is no requirement for service of prior notice upon the opposite parties.

The revisional application is disposed of directing the learned court below to dispose of the J.

Misc. Case No. 17 of 2020 within two months from the next date fixed. Thereafter, the application for injunction shall be disposed of expeditiously.

This court has not expressed any opinion on the merits of the said pending applications. The learned court shall proceed independently and in accordance with law.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties and/or the learned advocates contesting the matter on behalf of the opposite parties in the learned court below, within a week.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)