

30.03.2023
Item No.140
Ct. No. 654
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**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

**C.O. 790 of 2022
Ajit Ray
Vs.
Angur Roy & Ors.**

Mr. Sayan Chattopadhyay
Ms. Ayesha Yman
... For the petitioner

This revisional application has been filed by plaintiff/petitioner for expeditious disposal of Title Suit No. 93 of 2018 as well as application for injunction under Order XXXIX Rule 1 and 2 read with Section 151 of the Civil Procedure Code pending before the learned Civil Judge (Junior Division), 3rd Court, Purba Bardhaman.

The brief fact of the case is that the plaintiff filed a suit on 17th of March, 2018 for declaration and injunction in respect of the suit being Title Suit No. 93 of 2018. In the said suit the plaintiff filed an application for temporary injunction under Order XXXIX Rule 1 and 2 read with Section 151 of the Civil Procedure Code. The application for injunction as well as the Title Suit is pending since 2018. The petitioner/plaintiff has preferred the present revisional application for appropriate orders for expeditious disposal of the injunction application as well as the Title Suit.

Mr. Sayan Chattopadhyay, learned advocate appearing for the plaintiff/petitioner submits that the plaintiff/petitioner for expeditious disposal of the injunction application approached this Hon'ble Court vide CO No. 3403 of 2019 wherein direction was passed to dispose of the injunction application as expeditiously as possible preferably within November

30, 2019. However, neither the suit has proceeded nor the injunction application has been disposed of.

In view of his above submissions, he prays for direction for expeditious disposal of the injunction application as well as the suit.

It is found from the materials placed that the instant suit was filed in the year 2018. It is informed that the application for temporary injunction was filed along with the suit. By order dated September 27, 2019, this Court directed the Trial Court to dispose of the injunction application expeditiously preferably within November 30, 2019. It is submitted that neither the injunction application nor the suit has proceeded since passing of such order.

Considering the above, the Trial Court is directed to dispose of the application for temporary injunction within a period of two months from date of communication of this order and further dispose of the Title Suit preferably within a period of one year from the date of communication of this order without granting any unnecessary adjournment to either of the parties.

The petitioner shall communicate this order to the Court below as well as the opposite party and their learned advocates appearing before the Court below at the earliest.

With the aforesaid observations, C.O. 790 of 2022 stands disposed of.

All connected application, if any, stands disposed of.

Interim order, if any, stands vacated.

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

(Bivas Pattanayak, J.)