

24.08.2023
Court No. 19
Item No.29
CP

C.O. 835 of 2023

Smt. Sarmistha Samui nee Mondal

Vs.

G.K. Samui & Company & anr.

Mr. Shankar Pal
Mr. Jahangir Badsha

.....for the petitioner.

The petitioner is the defendant in Title Suit No. 1036 of 2020, which is pending before the learned Judge, 3rd Bench, City Civil Court at Calcutta. The petitioner submits that an application under Order 39 Rules 1 and 2 of the Code of Civil Procedure and another application under Order 39 Rule 4 of the Code of Civil Procedure are pending. The ad interim order of injunction is being extended from time to time, but the learned court below is not disposing of the pending applications.

The prayer of the petitioners 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 with a direction upon the learned Judge, 3rd Bench, City

Civil Court at Calcutta to dispose of the said pending applications, within a period of four months from the next date fixed, upon granting adequate opportunity to all the parties to contest the same. If the said court is vacant, then the court-in-charge should dispose of the said applications.

This court has not expressed any opinion on the merits of the 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 advocate 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.)