

05.07.2023
Sl. No.17(DL)
srm

C.O. No. 1086 of 2023

Firoja Begum

Versus

Basanti Dutta & Ors.

Mr. Rupayan Deb,
Ms. Priya Nandy

...for the Petitioner.

Mr. Anuran Samanta

...for the Opposite Parties.

The petitioner prays for expeditious disposal of Title Suit No.40 of 2018, which is pending before the learned Civil Judge (Junior Division), 3rd Court at Burdwan.

Such application has been made by suppressing the fact that Misc. Appeal Case No.17 of 2021 is pending before the learned District Judge, Purba Bardhaman. It appears that the application for temporary injunction had been dismissed and the misc. appeal was filed by the plaintiffs, being aggrieved by the said order.

The misc. appeal is pending since 2021 and this Court does not find any reason as to why the same has dragged for so many years when the appeal arises out of an order of rejection of the application for temporary injunction.

It also appears that the plaintiffs have taken several adjournments in the misc. appeal. The defendant in the suit had also filed a caveat in the misc. appeal and copy of the memorandum of appeal and the application for temporary injunction in the misc. appeal has been served upon the learned Advocate for the caveator.

This Court disposes of this application by directing the learned District Judge, Purba Bardhaan to dispose of the Misc. Appeal Case No.17 of 2021, strictly in accordance with law and independently, within a period of two months from the next date fixed.

The defendant is put on notice and is at liberty to file an objection to the misc. appeal as also the application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure. The misc. appeal and the application for injunction filed in connection with the misc. appeal shall be disposed of along with the objections to be filed mandatorily, within the period as directed hereinabove. Thereafter, the suit shall proceed expeditiously and disposed of within a year from the dated of disposal of the misc. appeal. The LCR, if called for, will be sent back within a week from disposal of the misc. appeal.

This Court has neither gone into the merits of the suit nor has gone into the merits of the misc. appeal.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)