

16.06.2023
Court No. 19
Item no.132
CP

C.O. 1209 of 2023

Mr. Naem Salehjee
Vs.
Mr. Mokarram Salehjee & ors.

Mr. Shyamal Chakraborty
Mr. D. Mondal

... for the Petitioners.

The revisional application has been filed with a prayer for a direction upon the learned Judge-in-charge, Bench III, City Civil Court, Calcutta to dispose of the application for temporary injunction filed by the petitioner/plaintiff expeditiously. It is submitted that the defendants are contesting the suit and they have filed written objection to the said application. The said application is pending disposal since July 2022.

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.

This court has not expressed any opinion on the merits of the pending application or on the suit. The learned tribunal shall proceed independently.

The revisional application is disposed of with a direction upon the learned court below to dispose of the pending application for injunction in connection with Title Suit No. 293 of 2020, within a period of two months from the next date fixed, upon granting an opportunity to all the parties to contest the same.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties and/or their learned advocates contesting the matter 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.)