

06.06.2023
Sl. No.31(DL)
srm

C.O. No. 1275 of 2023

Sri Shibu Ghosh

Versus

Smt. Papla Saha

Mr. Anshunath Chakrabarty,
Mr. Pranab Palit

...for the Petitioner.

The petitioner is the defendant in Title Suit No.283 of 2017, which is pending before the learned Civil Judge (Junior Division), 1st Court at Alipore, South 24-Parganas.

The petitioner is aggrieved because the application for temporary injunction under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure has been kept pending since long. The petitioner further submits that the *ex parte* order of ad interim injunction has caused grave suffering to the petitioner and the petitioner is not being able to construct his house although the petitioner has been granted sanction by the competent authority.

It appears to the Court that on several occasions the matter was adjourned either due to the absence of the parties or as the business of the Court did not permit the matter to be heard. The ad interim order of injunction had been extended

from time to time. It appears that by an order dated November 29, 2022 the injunction application was marked heard-in-part.

Under such circumstances, the revisional application is disposed of with a direction upon the learned Civil Judge (Junior Division), 1st Court at Alipore, to dispose of the application for injunction within a period of four months from the next date fixed without allowing unnecessary adjournments to either of the parties.

This Court is not inclined to go into the merits of the suit. The learned court below shall dispose of the injunction application on its merits. Thereafter attempt shall be made to dispose of the suit within a period of one year from disposal of the injunction application.

As the order of expeditious disposal shall not cause any prejudice to the opposite party, there is no requirement of prior service of notice upon the opposite party.

A copy of the revisional application along with a server copy of this order be served upon the opposite party within a week from date.

The revisional application is disposed of.

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

The learned court below shall proceed on the basis of the service copy of this order.

(Shampa Sarkar, J.)